



Voters Read All About It!
STATE OF ARIZONA
1994 BALLOT PROPOSITIONS

GENERAL ELECTION
NOVEMBER 8, 1994

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[VOTER'S GUIDE - may be detached and taken to the polls on General Election Day](#)

IN THIS PAMPHLET...

Proposed additions to the Constitution or the laws are shown in CAPITAL LETTERS.

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PROPOSITION 100

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1014

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 5, CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY PROPOSITION 107, AN INITIATIVE MEASURE ENACTED IN 1992; REPEALING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY PROPOSITION 100, AS ENACTED BY LAWS 1991, H.C.R. 2001; AMENDING ARTICLE V, SECTIONS 6, 8 AND 9, CONSTITUTION OF ARIZONA; RELATING TO THE EXECUTIVE DEPARTMENT.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Article IV, part 2, section 5, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

5. Ineligibility of members of legislature to other public offices

Section 5. No member of the Legislature, during the term for which he shall have been elected or appointed, shall be eligible to hold any other office or be otherwise employed by the state of Arizona or—any county or incorporated city or town thereof. This prohibition shall not extend to the office of school trustee, not to employment as a teacher or instructor in the public school system, NOR TO A PERSON WHO IS APPOINTED BY THE GOVERNOR TO THE OFFICE OF LIEUTENANT GOVERNOR PURSUANT TO ARTICLE V, SECTION 1.

2. Article V, section 1, Constitution of Arizona, as amended by Proposition 107, an initiative measure enacted in 1992, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

1. Executive department; term limits; state officers; term lengths; election; residence and office at seat of government; duties

Section 1. A. The executive department shall consist of the governor, secretary of state, state treasurer, attorney general, and superintendent of public instruction, each of whom shall hold office for a term of four years beginning on the first Monday of January, 1971 next after the regular general election in 1970, EXCEPT THAT THE LIEUTENANT GOVERNOR SHALL HOLD OFFICE FOR FOUR YEARS BEGINNING ON THE FIRST MONDAY IN JANUARY, 1999 NEXT AFTER THE REGULAR GENERAL ELECTION IN 1998. No member of the executive department shall hold that office for more than two consecutive terms. This limitation on the number of terms of consecutive service shall apply to terms of office beginning on or after January 1, 1993. No member of the executive department after serving the maximum number of terms, which shall include any part of a term served, may serve in the same office until out of office for no less than one full term.

B. THE GOVERNOR AND LIEUTENANT GOVERNOR SHALL BE MEMBERS OF THE SAME POLITICAL PARTY. IN THE PRIMARY ELECTION AND IN THE GENERAL ELECTION, ONE VOTE SHALL BE CAST FOR THE JOINT CANDIDATES. THE DETERMINATION OF THE WINNER AMONG THE JOINT CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR SHALL BE MADE ON THE SAME BASIS AS THE DETERMINATION OF THE WINNER OF THE OTHER EXECUTIVE DEPARTMENT OFFICES.

~~B. C. The person having a majority THE HIGHEST NUMBER of the votes cast for the office voted for shall be elected. If no person receives a majority of the votes cast for the office, a second election shall be held as prescribed by law between the persons receiving the highest and second highest number of votes cast for the office. The person receiving the highest number of votes at the second election for the office is elected , but if~~

~~the~~ two OR MORE persons have an equal AND THE HIGHEST number of votes for the office, the two houses of the legislature at its next regular session shall elect forthwith, by joint ballot, one of such persons for said office.

€ D. The officers of the executive department during their terms of office shall reside at the seat of government where they shall keep their offices and the public records, books, and papers. They shall perform such duties as are prescribed by the constitution and as may be provided by law.

3. Article V, section 1, Constitution of Arizona, as amended by Proposition 100, as enacted by Laws 1991, H.C.R. 2001, is proposed to be repealed as follows if approved by the voters and on proclamation of the Governor:

Article V, section 1, Constitution of Arizona, as amended by Proposition 100, as enacted by Laws 1991, H.C.R. 2001, relating to the executive department, is repealed.

4. Article V, sections 6, 8 and 9, Constitution of Arizona, are proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

6. Death, resignation, removal or disability of governor; succession to office; impeachment, absence from state or temporary disability

Section 6. A. In the event of the death of the governor, or his resignation, removal from office, or permanent disability to discharge the duties of the office, the ~~secretary of state~~ LIEUTENANT GOVERNOR, if holding by election, shall succeed to the office of governor until his successor shall be elected and shall qualify. If the ~~secretary of state~~ LIEUTENANT GOVERNOR IS holding otherwise than by election, or shall fail to qualify as governor, THE SECRETARY OF STATE, the attorney general, the state treasurer, or the superintendent of public instruction, if holding by election, shall, in the order named, succeed to the office of governor UNTIL HIS SUCCESSOR IS ELECTED AND QUALIFIES.

B. IF, BY REASON OF DEATH, RESIGNATION OR DISQUALIFICATION, THE GOVERNOR-ELECT IS UNABLE TO ASSUME THE OFFICE OF GOVERNOR AT THE COMMENCEMENT OF THE GUBERNATORIAL TERM, THE LIEUTENANT GOVERNOR-ELECT SHALL ASSUME THE OFFICE OF GOVERNOR FOR THE FULL TERM. IF, AT THE COMMENCEMENT OF SUCH TERM, THE GOVERNOR-ELECT FAILS TO ASSUME THE OFFICE BY REASON OF DISABILITY, THE LIEUTENANT GOVERNOR-ELECT SHALL SERVE AS GOVERNOR UNTIL THE DISABILITY OF THE GOVERNOR-ELECT TERMINATES.

C. The taking of the oath of office as governor by any person specified in this section shall constitute resignation from the office by virtue of the holding of which he qualifies as governor. Any successor to the office shall become governor in fact and entitled to all of the emoluments, powers and duties of governor upon taking the oath of office.

D. In the event of the impeachment of the governor, his absence from the state, or other temporary disability to discharge the duties of the office, the powers and duties of the office of governor shall devolve upon the same person as in the case of vacancy, but only until the disability ceases.

8. Vacancies in office

Section 8. A. When any office shall, from any cause, become vacant, and no mode shall be provided by the constitution or by law for filling such vacancy, the governor shall have the power to fill such vacancy by appointment.

B. WITHIN NINETY DAYS OF A VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR, THE GOVERNOR SHALL NOMINATE A PERSON WHO IS A MEMBER OF THE SAME POLITICAL PARTY TO SERVE IN THAT OFFICE SUBJECT TO SENATE CONFIRMATION UNTIL HIS SUCCESSOR IS ELECTED AND IS QUALIFIED TO HOLD OFFICE. THE PERSON WHO IS NOMINATED SHALL BEGIN TO DISCHARGE THE DUTIES OF THAT OFFICE ON BEING NOMINATED BY THE GOVERNOR SUBJECT TO TERMINATION OF SUCH AUTHORITY IF THE SENATE REJECTS THE NOMINATION.

9. Powers and duties of state officers

Section 9. The powers and duties of secretary of state, state treasurer, attorney general, and superintendent of public instruction shall be as prescribed by law. THE LIEUTENANT GOVERNOR SHALL PERFORM THOSE DUTIES THAT ARE PRESCRIBED BY LAW.

5. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

**FINAL VOTE CAST BY THE LEGISLATURE ON SCR 1014
(PROPOSITION 100)**

Nays, 25 Nays, 13
Not Voting, 3 Not Voting, 1
Vacancy, 1

The shaded sections of this proposition were included to resolve language differences. The runoff provision in the Constitution was repealed by the voters in the 1992 General Election.

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

Proposition 100 would amend the Arizona Constitution to create the office of Lieutenant Governor. The Lieutenant Governor would be first in the order of succession to the office of Governor and would step in to serve as Governor if the Governor died, resigned, was removed from office or was permanently unable to serve. The Secretary of State is currently first in the order of succession and would be moved down one step in priority. In addition, the Lieutenant Governor would act as Governor on days when the Governor is out of the state. Other specific responsibilities of the Lieutenant Governor and the issue of salary are not included in this proposition.

A candidate for Lieutenant Governor would be from the same political party and would run as a team with a candidate for Governor in both the primary and the general elections. A voter would cast a single ballot for the "team" in each election. If the office of Lieutenant Governor became vacant after an election, the Governor would name a person from the same political party to be the Lieutenant Governor, if approved by the State Senate.

The Lieutenant Governor would serve a four-year term (the same term of office as the Governor) and would be subject to the same term limits that are imposed on other top state elected officials.

ARGUMENT "FOR" PROPOSITION 100

Three times since 1977, Arizona was governed by people not originally elected to the office of Governor, thus frustrating the will of the voters. Arizonans deserve to have a Governor that will continue the same policies as the one they elected. A Lieutenant Governor provides for such a smooth and stable transition between leaders.

The Lt. Governor would perform the duties of Governor in his or her absence and would be first in line to succeed the Governor. The Lt. Governor and Governor must be from the same political party and run as a team in the primary and general election.

As the state has grown to more than 4 million people, the demands on the office of Governor have increased dramatically. Currently, the functions and duties of Governor are performed by the Secretary of State in the Governor's absence. The Secretary of State - who can be from a different political party - also is first in line to succeed the Governor in the event of death, resignation or disqualification from office.

However, the duties of Secretary of State - voter registration and other election matters - do not prepare that officeholder for the complex policy issues and statewide leadership role required of a Governor. We need a second in command who understands the complete workings of government, not just clerical functions.

For these reasons, Arizona should join the other 42 states in the union and create the office of Lieutenant Governor.

This proposal would not increase the cost of government since the Lt. Governor could also assume the duties of an existing cabinet position such as Director of Commerce. This would also increase the visibility of the state's economic development efforts nationally and internationally.

Jan Brewer, Majority Whip
AZ State Senate
Glendale

BALLOT FORMAT

PROPOSITION 100

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1014

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 5, CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY PROPOSITION 107, AN INITIATIVE MEASURE ENACTED IN 1992; REPEALING ARTICLE V, SECTION 1, CONSTITUTION OF ARIZONA, AS AMENDED BY PROPOSITION 100, AS ENACTED BY LAWS 1991, H.C.R. 2001; AMENDING ARTICLE V, SECTIONS 6, 8 AND 9, CONSTITUTION OF ARIZONA; RELATING TO THE EXECUTIVE DEPARTMENT.

DESCRIPTIVE TITLE

AMENDING ARIZONA CONSTITUTION TO CREATE THE OFFICE OF LIEUTENANT GOVERNOR FOR THE TERM BEGINNING IN 1999. ONE VOTE WOULD BE CAST JOINTLY FOR THE GOVERNOR/LIEUTENANT GOVERNOR TEAM. AMENDS SUCCESSION TO OFFICE OF GOVERNOR FROM SECRETARY OF STATE TO LIEUTENANT GOVERNOR.

PROPOSITION 100

A "yes" vote shall have the effect of creating the office of Lieutenant Governor and changing the succession to office of Governor from the Secretary of State to Lieutenant Governor.

YES



A "no" vote shall have the effect of retaining the current constitutional provisions for succession to the office of Governor.

NO



PROPOSITION 101

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1009

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING TO STATE LANDS.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Article X, Constitution of Arizona, is proposed to be amended as follows, by adding section 12, if approved by the voters and on proclamation of the Governor:

12. Land exchanges

SECTION 12. A. AFTER PUBLIC NOTICE, THIS STATE MAY EXCHANGE LANDS GRANTED OR CONFIRMED BY THE ENABLING ACT FOR OTHER PUBLIC OR PRIVATE LANDS UNDER SUCH RULES AS THE LEGISLATURE MAY BY LAW PRESCRIBE IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

1. THE EXCHANGE IS IN THE BEST INTEREST OF THE STATE LAND TRUST.
2. THE TRUE VALUE, AS DETERMINED BY AT LEAST TWO INDEPENDENT APPRAISALS, OF ANY LANDS RECEIVED IN THE EXCHANGE EQUALS OR EXCEEDS THE TRUE VALUE OF THE LANDS THE STATE EXCHANGES.
3. THE EXCHANGE IS FOR THE PURPOSE OF EITHER:
 - (a) CONSOLIDATING STATE LAND HOLDINGS TO IMPROVE MANAGEMENT OPPORTUNITIES OR TO INCREASE STATE LAND VALUES.
 - (b) TRANSFERRING STATE LANDS TO OTHER FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITIES FOR PUBLIC PURPOSES, INCLUDING PROTECTION OF ENVIRONMENTAL VALUES.

- (c) ACQUIRING LAND THAT IS NEEDED BY THE STATE FOR PUBLIC PURPOSES, INCLUDING PROTECTION OF ENVIRONMENTAL VALUES.
 - B. LAND EXCHANGES ARE NOT CONSIDERED TO BE SALES FOR PURPOSES OF THIS ARTICLE.
 - C. LAND EXCHANGES INVOLVING FEDERAL LANDS MAY BE MADE ONLY AS AUTHORIZED BY ACTS OF CONGRESS AND FEDERAL REGULATIONS.
2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by Article XXI, Constitution of Arizona.

FINAL VOTE CAST BY THE LEGISLATURE ON SCR 1009
(PROPOSITION 101)

House -- Ayes, 58	Senate -- Ayes, 29
Nays, 0	Nays, 0
Not Voting, 2	Not Voting, 1

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

If approved, Proposition 101 will amend the State Constitution to permit exchanges of state trust land for other public or private lands if (1) the exchange is in the best interest of the state land trust, (2) the other land is at least equal in value to the state land (as determined by at least two independent appraisals) and (3) the purpose of the exchange is to consolidate state land holdings or to transfer or acquire land for public purposes, including environmental protection. A land exchange would be governed by procedures, conditions and restrictions enacted by the Legislature. Exchanges of state land for federal land would also be subject to any additional restrictions imposed by the federal government.

In 1910, Congress passed the Arizona-New Mexico Enabling Act that authorized the residents of the Territory of Arizona to form a state government. One provision of the Enabling Act granted the new state millions of acres of land to be held in trust to support various public institutions (schools, colleges, penitentiaries, etc.). Congress allowed Arizona to sell or lease the land only under very specific conditions. The State Constitution explicitly incorporated the Enabling Act restrictions on the disposal of trust lands.

Through the years Congress has amended the Enabling Act to allow Arizona more flexibility in managing and disposing of trust land. In the 1930's two acts of Congress authorized the state to exchange trust land for other public or private lands. However, the state never amended its constitution to incorporate that authority for land exchanges, but the state did enact statutes to provide for exchanges of trust land. Since that time the State Land Department, acting under the statutory authorization, has periodically exchanged state land with the federal government and with private landowners.

In 1990 the State Supreme Court determined that without amending the State Constitution the state cannot conduct land exchanges. The State Land Department has halted its land exchange activities. The effect of Proposition 101 will allow the State Land Department to resume state trust land exchanges. The department's ongoing trust land lease and sale programs would continue.

ARGUMENT "FOR" PROPOSITION 101

We urge your support of Proposition 101, which will increase the revenue generated for public schools, without raising taxes, by allowing exchanges of State Trust lands.

The state public school and institutional Trusts own 9.4 million acres of Trust lands that were given to the state by the federal government at the time of Statehood for the purpose of raising money for the support of the public schools and institutions which are the Trust beneficiaries. About 8.2 million acres or approximately 88% of the Trust lands are in the public school land grant.

Land exchanges will allow the state to consolidate land holdings to increase the value of Trust lands for sale or lease. Every dollar received from the sale or lease of State Trust lands goes to the support of schools and institutions.

There are significant public safeguards. All exchanges must be in the best interest of the Trust and the purpose of the exchange must be to consolidate State Trust land holdings to improve its value, or to transfer or acquire lands for public purposes. Furthermore, public hearings on exchanges are required, and the land received must be at least equal in value to the State Trust land as determined by at least two independent appraisals.

Since funding for public education declined at the same time our children's needs have increased, creating a way to

get more from our State Trust lands is critical.

Support Proposition 101 -- you'll help Arizona's children get a better education.

B. Kay Lybeck, President	Betty K. Saylor, Executive Dir.
AZ Education Assn	AZ Education Assn
Phoenix	Phoenix
Cindy Craig, First Vice President	Jeanette K. Weis, President
AZ PTA	AZ PTA
Prescott	Glendale
Harold W. Porter, Executive Dir.	Jack E. Null, President Elect
AZ School Administrators	AZ School Administrators
Phoenix	Phoenix

"Yes on 101" Committee: Larry Landry, Chairman

ARGUMENT "FOR" PROPOSITION 101

The Arizona School Boards Association, through action by its Delegate Assembly which is comprised of representatives of school district governing boards throughout the state, supports the efforts of the State Land Department to increase the revenue generated by the State Trust Lands.

Millions of acres of land were set aside by the federal government, under the provisions of the Enabling Act, to be held in trust for the public schools and other public institutions when Arizona became a state in 1912. The common schools K-12 are the single largest beneficiary of the revenues generated by the State Land Trust. The interest generated by the Trust goes directly into the state's general fund where it is used as state aid for public schools K-12, thereby relieving some of the burden on taxpayers.

The State Land Department has been hampered in its maximization of the use of Trust Lands since the Supreme Court halted the exchange of lands in 1988. The passage of Proposition 101 will allow the Land Department, through the exchange process, to consolidate land holdings to enhance Trust land values and management practices. Exchanges may not be made unless the exchange is in the best interest of the Trust and equals or exceeds the value of the Trust land as determined by two independent appraisals.

Since funding for public education K-12 has been severely cut during the last four years while the needs of Arizona's students have continued to escalate, enhancing the revenue potential of the State Trust Lands is especially critical. Your "YES" vote on Proposition 101 will allow the Land Department to better use one public resource - the State Trust Lands - to help Arizona's most important future resource - Arizona's school children.

Anita Lichter, President	Pamela Justice, Treasurer
AZ Schools Boards Assn	AZ School Boards Assn
Phoenix	Phoenix

ARGUMENT "FOR" PROPOSITION 101

Do you share our concern for protecting Arizona's natural resources?

Some of Arizona's prime natural areas are on State Trust land. You can help protect them by voting "yes" on Proposition 101 which gives the State the authority to exchange State Trust lands.

By law, State Trust lands are sold or leased for the highest economic return. There are no provisions for environmental protection. Therefore, the best way to protect ecologically important parcels of State Trust land is to trade them to agencies with an environmental protection mandate in exchange for land that can be developed.

- The State acquired land for Catalina State Park in Tucson and Red Rock State Park in Sedona and valuable additions to Picacho, Lake Patagonia and Homolovi Ruins State Parks through exchanges.

- The State transferred to public ownership the Trust land parcels inside Grand Canyon National Park, in wildlife refuges, Wilderness areas, Aravaipa Canyon and Lake Pleasant so these lands can be managed for their scenic, wildlife, riparian and public recreation resources.

Since then, the courts have ruled that Arizona's Constitution must be amended in order to continue these exchanges. There are still many wonderful opportunities:

- The State Trust owns land in the Rogers Lake wildlife habitat area near Flagstaff, in the Burro Creek and Bill

Williams Riparian Areas, in Saguaro and Organ Pipe National Monuments. These should be traded to federal agencies for protection and public enjoyment.

- Trust lands are dotted all around metropolitan Phoenix and Tucson. Trading State Trust lands in the Tortolita Mountains, Empire Cienega Ranch and McDowell Mountains to local entities would protect natural values and provide recreational opportunities.

However, this can only be done by allowing the State to regain the authority to exchange State Trust lands. Vote "yes".

Anita J. MacFarlane, President	Douglas Forester, Vice President
AZ Audubon Council	AZ Audubon Council
Sedona	Tucson
Christine Kovach, Chairman	Carla, Secretary
McDowell Sonoran Land Trust	McDowell Sonoran Land Trust
Scottsdale	Scottsdale
Dan K. Campbell, State Director	Charles M. Pettis, Vice Chairman
The Nature Conservancy	AZ Nature Conservancy
Tucson	Tucson

"Yes on 101" Committee: Larry Landry, Chairman

ARGUMENT "FOR" PROPOSITION 101

The Federal Government granted the State of Arizona certain lands to be held in Trust and leased and sold to raise funds to support public schools and institutions. These Trust lands are widely scattered throughout Arizona. Many Trust land parcels are inside National Forests, National Parks and Monuments, and in areas dedicated to wilderness, wildlife and other public uses. Other Trust lands are intermingled with private lands that are critical to the industry, economic stability, and tax base of our local communities.

The State needs to be able to work with Federal, State and local government and private citizens in land exchanges that will rearrange land ownership patterns. Through land exchanges, environmentally sensitive Trust lands can be acquired, at no expense to the taxpayers, by public agencies whose duty it is to protect and manage lands for scenic, wildlife, wilderness, recreation and historic and archaeological purposes. In return the trust can receive lands more suitable for lease and sale. Through land exchanges, Trust and private lands can be consolidated to reduce conflicts, and improve management, land values and development opportunities.

Land exchanges will help the State protect environmentally sensitive lands and recreation areas without expense to the taxpayers. Land exchanges do not reduce the tax base; they enhance the financial benefits to our educational institutions; and they help stabilize industries and local economies.

These are good reasons to Vote "YES" on Proposition 101.

Rick C. Lavis	Arden J. Palmer
Executive Vice-President	Director of Field Services
AZ Cotton Growers Assn	AZ Cotton Growers Assn
Phoenix	Phoenix
David C. Ridinger, President	Robert F. Morison, Sec./Treas.
AZ Mining Assn	AZ Mining Assn
Phoenix	Phoenix
Ken Evans, President	Andy Kurtz, Executive Secretary
AZ Farm Bureau	AZ Farm Bureau
Phoenix	Phoenix
James M. Webb, Treasurer	Sandra L. Eastlake
AZ Cattle Growers' Assn	Executive Vice President
Phoenix	AZ Cattle Growers' Assn
	Phoenix

"Yes on 101" Committee: Larry Landry, Chairman

ARGUMENT "FOR" PROPOSITION 101

The Arizona Tax Research Association encourages your support of Proposition 101. Granting the State Land Department the

authority to make land exchanges will provide the necessary flexibility to protect environmentally sensitive lands as well as acquire land near urban areas more valuable to the state trust.

Allowing the State Land Department to trade lands with other governmental entities for eventual sale to private interests provides many benefits to the taxpayers. Revenues from the sale of state trust land are used to support Arizona's public schools. Selling more state lands to private interest will certainly aid the state's efforts to fund our educational needs. Also, selling state property to private interests adds value to the property tax base that benefits all taxpayers by spreading the costs of all levels of government over a larger tax base.

Kevin McCarthy, President Russell Smoldon, Chairman

AZ Tax Research Assn AZ Tax Research Assn

Phoenix

Phoenix

ARGUMENT "AGAINST" PROPOSITION 101

Suppose that a state office building administrator traded his building for another private office building that he liked better! He'd be in jail by morning.

Administrators cannot trade buildings or anything else. Such transactions are rightfully prohibited by law because they easily lend themselves to collusion, inside dealing, and corruption.

When the state transfers property, the taxpayers obtain the best possible deal through competitive bidding and fair competition.

Proposition 101 changes that by amending the constitution to allow the director of the state land department to trade state land for other land. (The people have voted this down repeatedly).

Land trades were done until 1987 and many of them stunk to the high heavens (when somebody discovered that the constitution required bidding and cash transactions . . . great idea).

Land trade proposals eliminate competition. Appraisal is often very difficult, and government bureaucrats are no match for land speculators who often know what's going to happen to land values. (Or can cause it to happen).

For example, in 1986 the state traded 3,400 acres on the far northwest side of Tucson for 33 acres near a Tucson resort. Both parcels were appraised at \$14.8 million. Everyone knew that the far northwest side was going to become the next boom area (as it has).

Now, developers are making a killing (and an environmental disaster) with their 3,400 acres while the state's 33 acres recently appraised for \$3 million.

It is especially sad that some environmentalists have bought into this scam which is being pushed by the land barons. While there may be an environmentally beneficial trade now and then, the vast majority will not benefit taxpayers or the environment. Since land trades have been suspended, the state and federal park systems have done very well buying and selling land as needed.

John Kromko

Former State Representative

Tucson

BALLOT FORMAT

PROPOSITION 101

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1009

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO
THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X,
CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING
TO STATE LANDS.

DESCRIPTIVE TITLE

AMENDING ARIZONA CONSTITUTION TO ALLOW THE STATE TO
EXCHANGE STATE TRUST LAND FOR PUBLIC OR PRIVATE LAND
FOR CERTAIN PURPOSES, AFTER PUBLIC NOTICE, PROVIDED THE
STATE RECEIVES LAND OF EQUAL OR GREATER APPRAISED
VALUE.

PROPOSITION 101

A "yes" vote shall have the effect of allowing the state to exchange state trust
land for public or private land of equal or greater value.

YES



A "no" vote shall have the effect of continuing to restrict the disposal of state
trust land to sale or lease at public auction.

NO



PROPOSITION 102

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1004

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA;
AMENDING ARTICLE IX, SECTION 13, CONSTITUTION OF ARIZONA; RELATING TO PROPERTY TAX
EXEMPTION.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Article IX, section 13, Constitution of Arizona, is proposed to be amended as follows if approved by the voters
and on proclamation of the Governor:

13. Inventory, materials and products of manufacturers; production livestock and animals; tax exemption

Section 13. No tax shall be levied on:

1. Raw or unfinished materials, unassembled parts, work in process or finished products, constituting the inventory
of a manufacturer or manufacturing establishment located within the state and principally engaged in the
fabrication, production and manufacture of products, wares and articles for use, from raw or prepared materials,
imparting thereto new forms, qualities, properties and combinations, which materials, parts, work in process or
finished products are not consigned or billed to any other party.
2. LIVESTOCK, POULTRY, AQUATIC ANIMALS AND HONEYBEES OWNED BY A PERSON WHO IS
PRINCIPALLY ENGAGED IN AGRICULTURAL PRODUCTION, SUBJECT TO SUCH CONDITIONS AS
MAY BE PRESCRIBED BY LAW.
2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article
XXI, Constitution of Arizona.

FINAL VOTE CAST BY THE LEGISLATURE ON SCR 1004
(PROPOSITION 102)

House -- Ayes, 55 Senate -- Ayes, 20

Nays, 3 Nays, 9

Not Voting, 2 Not Voting, 1

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

Proposition 102 would amend the Constitution of Arizona to provide that a person who owns livestock, poultry, aquatic animals or honeybees would be exempt from paying property taxes on the animals if the person is principally engaged in agriculture.

Under current law, these animals are subject to property tax and are assessed at 8% of their valuation.

This proposition would allow the Legislature to set conditions, such as requiring owners to send in reports and other information, to qualify for the exemption. The Legislature could also define the categories of exempt animals to include or exclude specific species.

ARGUMENT "FOR" PROPOSITION 102

Eliminating the personal property tax on livestock will reduce the cost of producing milk and beef and make these products more cost-effective to consumers in Arizona. In essence, the tax on livestock is a disguised equivalent to a tax on food and should be abolished. Arizona voters should vote YES on Proposition 102.

Currently only two states, Arizona and New Mexico, assess a property tax on livestock. The tax places a distinct disadvantage with other farmers from neighboring states, such as California, who pay no property tax on livestock. For example, under the North American Free Trade Agreement (NAFTA) farmers will engage in frequent trade with Mexico. However, because Arizona dairy farmers have to pay a property tax for each animal over one year old, prices for Arizona dairy products are higher than products from other states where farmers do not pay property tax on livestock. Thus, Arizona milk is less attractive to buyers from Mexico and other states. Without the property tax, Arizona milk would become more competitive.

Although the fiscal impact to the state of eliminating the tax is minimal and will not significantly reduce revenues, the property tax on livestock is a substantial expense for each dairy and livestock farmer. Having to pay property tax on each animal is an additional and unnecessary burden on the farmer trying to make a living at raising livestock. A farmer incurs numerous and costly business expenses. The additional obligation of paying a property tax on livestock simply adds to the farmer's already weighty financial obligations.

There is no logical or sound reason to keep burdening farmers with unfair personal property tax on livestock. The tax should be eliminated. Vote YES on Proposition 102.

Robert M. Girard, Executive Director	Conrad Gingg, President
United Dairymen of AZ	United Dairymen of AZ
Tempe	Tempe

ARGUMENT "FOR" PROPOSITION 102

This letter is in reference to Proposition 102. Eliminating the personal property tax on livestock will make the state of Arizona a much more attractive place for the American ostrich farmer to relocate. The ostrich industry is a well established industry that is looking for the proper place in the U.S. to raise these birds. Although there are six or seven states that are truly ideal for raising ostriches, Arizona is losing potential farms to Nevada and California. The reason -the livestock property tax.

When you look at a small town like Willcox, AZ, it is amazing that over 30 farms have been bought in the last 12 months, with more farms on the way. This represents over 6,000 acres of before unused and, in some cases, untaxed land just sitting idle. The ostrich industry has had a big impact on the state of Arizona and will continue to do so if this tax is repealed. The livestock property tax is a major concern of many people contemplating relocating to Arizona. Many of us currently located in Arizona were unaware of this tax at the time of our move, and may have chose a different location for our farms. This tax places an unnecessary burden on the farms trying to get established and make a living here in Arizona.

Arizona is very unique with this tax, with New Mexico being the only other state to have this tax in effect. If Arizona wants to continue to be a leader in the future of the ostrich industry, a vote of "YES" on Proposition 102 is a must.

Jeff J. Reising, Vice President	Beverly A. Johnson, Sec.-Treas.
Southeast AZ Chapter Of The American Ostrich Assn	Southeast AZ Chapter Of The American Ostrich Assn
Willcox	Willcox

ARGUMENT "FOR" PROPOSITION 102

We are representing a new agricultural industry. The ratite industry is being revived in Arizona with prospects of becoming a major asset to Arizona's already established livestock industry. Any taxation to this industry by the State deters growth. It reduces the people willing to relocate, it reduces expansion of established ranches and it places doubt on longevity with another burden to assume.

This product is a recognized meat that will be available to the public in the future. All dairy and farm products are food products that should not be burdened with this taxation. This increases the cost of doing business and increases to cost the consumer. It is an unfair burden to the livestock industry.

Currently only two states, Arizona and New Mexico, assess a property tax on livestock. This places a distinct disadvantage with competitive selling from neighboring states who are not required to pay property tax. The North American Free Trade Agreement will have opportunities available to the livestock industry in Arizona but with the burden of property tax, the Arizona market may not be able to compete.

The financial impact to the State of Arizona from eliminating the tax is minimal but very real and substantial to the ranchers, farmers and dairymen. We strongly urge you to vote YES on Proposition 102.

Linda J. Lynch, President Phil Patton, Treasurer
AZ Ostrich/Emu Assn AZ Ostrich/Emu Assn
Phoenix Phoenix

ARGUMENT "FOR" PROPOSITION 102

Arizona is one of only two states in the country that taxes livestock placing our livestock products at a distinct disadvantage not only by increasing the price of food products to the Arizona family but also by making our products less able to compete in a national and international market. Ratite (ostrich, emu and rhea) ranchers in Arizona are the only such ranchers in the U.S. that pay livestock taxes. New Mexico has given the ratite industry a five year moratorium on taxes enabling the industry to become successful in its launch.

Arizona has attracted hundreds of new ratite ranchers from other states due to the excellent climate for the birds. This has brought new economic growth to rural Arizona. But many more people have chosen not to bring their business to the state due to the livestock tax which, in addition to other personal property taxes not experienced by ranchers in other states, has made the business too expensive to conduct in Arizona.

Arizona ratite ranchers are preparing to enter a processing market in the next three years, hoping to compete with other states in the end products market. The state of Arizona is poised to become a world leader in meat and leather production from these birds. Tax relief will make the products more competitive in the national and international markets and bring greater income to the state of Arizona.

By eliminating the tax on livestock, everyone in the state wins. Ranchers of all types will be relieved of the unnecessary burden of expense which will help relieve rising costs of food products derived from the animals. Vote yes on Proposition 102 to give ranchers the opportunity to bring you good products at fair prices.

Susan D. Franck, Executive Director Debbie Fishell, President
United Ratite Producers of AZ United Ratite Producers of AZ
Scottsdale Scottsdale

ARGUMENT "FOR" PROPOSITION 102

One of the newer industries in Arizona is the breeding of Ostrich that are sold as breeding stock, meat, leather and feathers. The climate in Arizona is ideal for the ranching of Ostrich and it is expected that in the near future we will be a leader in the production of Ostrich products. Ostrich meat is lower in fat and cholesterol than chicken but is a red meat and tastes like beef. The leather is in high demand but very short supply. Ostrich feathers are used ornamentally and in industrial applications.

Currently only two states, Arizona and New Mexico, assess a property tax on livestock. This not only places the Arizona Ostrich rancher at a competitive disadvantage with other states but discourages existing ranching operations in other states from moving to Arizona. While there are many Ostrich ranches in operation in Arizona only a few of them are large operations. Most of the ranches are what we would call mom and pop operations. Individuals invest their hard earned savings in the purchase of a pair of breeding ostrich and build their breeding stock from there. The assessment of personal property tax on Ostrich places an additional burden on the limited resources of these small ranches. The average Ostrich does not reproduce until the age of three years and it is normal

to obtain a pair of breeders at the age of three months. Therefore the small rancher is paying property tax on their livestock for three years before they realize any profit.

We should look forward to the growth of this new industry that will ultimately provide new jobs and revenue. The time to tax is when this new industry is in production, not when we are just getting off the ground.

This tax should be eliminated. Vote YES on proposition 102.

Keith L. Cisewski, President	Bob Ham, Treasurer
Ostrich Assn of AZ	Ostrich Assn of AZ
Queen Creek	Queen Creek

ARGUMENT "FOR" PROPOSITION 102

By removing the personal property tax on livestock, Arizona would be able to compete on a level playing field with other western livestock states. The Arizona Farm Bureau supports Proposition 102.

Arizona's livestock and poultry industries, and the jobs associated with them, have declined in the last decade as producers moved to other states.

California, Texas, Colorado and Utah; Arizona's southwestern neighbors, along with 44 other states, do not have a personal property tax on livestock. The producers in those states clearly have a competitive advantage when marketing their livestock and livestock products.

The personal property tax will hamper Arizona trade benefits due to new trade agreements. The North American Free Trade Agreement will result in more Mexican cattle being fed in the Southwest because of high grain costs in Mexico. Mexican livestock owners will be seeking the most economical feeding operations in the Southwest. Our personal property tax will deter these livestock investments in Arizona. Today, Arizona producers of milk, beef, eggs, pork and lamb must overcome higher costs imposed by these taxes when competing against other states for a share of the Mexican and Canadian markets.

It's time to allow Arizona livestock producers to compete on a level playing field so they can continue to supply jobs and economic stability in Arizona's rural areas.

Ken Evans, President	Andy Kurtz, Executive Secretary and Chief Administrative Officer
AZ Farm Bureau Federation	AZ Farm Bureau Federation
Yuma	Phoenix

ARGUMENT "FOR" PROPOSITION 102

The Arizona Pork Council feels the personal property tax on livestock should be eliminated in Arizona. This will make Arizona Pork more attractive to buyers from other states and, with the passage of the North American Free Trade Agreement (NAFTA), Mexico. The tax on livestock is a disguised equivalent to a tax on food and should be abolished.

Arizona and New Mexico are the only two states to assess a property tax on livestock. The Arizona Pork Council is currently involved in trying to increase the interest in investing in pork production in Arizona. Some existing producers are considering expansion. This tax places Arizona pork producers at a distinct competitive disadvantage with other farmers from neighboring states, such as California, who pay no property tax on livestock. Under NAFTA, farmers hope to engage in frequent trade with Mexico. However, since Arizona pork producers have a property tax to pay for each animal over fifty pounds, they are forced into a less competitive position than producers from other states who do not pay property tax on livestock.

The financial impact on the state by eliminating the tax is very minimal and will not significantly reduce revenues. The majority of pork producers in Arizona are family farmers and the property tax on livestock is a substantial expense for these families trying to make a living at raising livestock. A producer has enough expenses they cannot control without this unneeded tax.

The Arizona Pork Producers have been a part of the improvement of their product that compared with just a decade ago, is lower in fat, lower in saturated fat, lower in calories and lower in cholesterol after cooking and trimming.

We believe it will make sound business sense to eliminate the personal property tax on livestock. Vote YES on Proposition 102.

Tom Miller, Executive Director	Mike Terrill, Vice President
AZ Pork Council	AZ Pork Council
Casa Grande	Snowflake

ARGUMENT "FOR" PROPOSITION 102

Arizona and New Mexico are the only two states in the country to assess a property tax on livestock. This puts the Arizona farmer at a distinct disadvantage by not only increasing the price of food products to Arizona families, but also less able to compete in the national and international markets. Ostrich, emu, and rhea farmers in Arizona are the only ratite farmers to pay livestock tax. New Mexico has given the ratite industry a seven year moratorium on taxes.

Arizona is abundant with both fledgling and large, established, ratite farms. Hundreds of Arizona residents are entering, and/or diversifying, into the ratite industry. Many large farms are re-locating from other states to Arizona due to its excellent climate. This has brought a surge of economic development to rural Arizona. Unfortunately, there are many more people who have chosen not to move to Arizona due to the livestock tax, which, in addition to other personal property taxes not experienced by farmers in other states, has made the ratite business too expensive to operate in Arizona.

Arizona ratite farmers will enter a processing market soon, and need to be able to successfully compete with other states in the end product market. Arizona has the potential to become a world leader in the sale of ratite oil, meat, and leather products. Tax relief will make Arizona farmers more competitive in both the national and international markets. The minimal fiscal impact on the state by eliminating said tax will be offset by the monies generated by a growing ratite industry in Arizona. The public will also see more affordable livestock food products in the marketplace. Vote yes on Proposition 102 to give ranchers/farmers the opportunity to bring you good products at fair prices.

Marcie L. Nielsen, President Bill Brantley, Director
AZ Emu Assn AZ Emu Assn
Marana Tucson

ARGUMENT "FOR" PROPOSITION 102

A "YES" vote for Proposition 102 will benefit the consumers of Arizona's agricultural products. The burden from this personal property tax falls squarely on the consumer and the agricultural industry.

It is widely held that the personal property tax on small businesses, such as farmers and ranchers, restrains growth and economic development in the State of Arizona. This restraint deters farmers and ranchers from either expanding or relocating to Arizona. Over a period of time this loss of opportunity ultimately costs the taxpayer and consumers of Arizona.

The elimination of this personal property tax will create more jobs and thus, more revenue. With a total economic impact of \$6.2 Billion, Arizona's agricultural industry is a major provider of jobs, revenues, and food for all citizens.

Help lower food costs by voting "YES" on Proposition 102.

Leslie W. Heiden Sandra L. Eastlake
Past President, Officer Executive Vice President
AZ Cattle Feeders' Assn AZ Cattle Feeders' Assn
Buckeye Phoenix

BALLOT FORMAT

PROPOSITION 102

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE LEGISLATURE

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1004

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, SECTION 13, CONSTITUTION OF ARIZONA; RELATING TO PROPERTY TAX EXEMPTION.

DESCRIPTIVE TITLE

AMENDING ARIZONA CONSTITUTION TO PROVIDE A PERSONAL PROPERTY TAX EXEMPTION FOR LIVESTOCK, POULTRY, AQUATIC ANIMALS AND HONEYBEES OWNED BY A PERSON PRIMARILY INVOLVED IN AGRICULTURAL PRODUCTION, SUBJECT TO CONDITIONS THE LEGISLATURE MAY SET.

PROPOSITION 102

A "yes" vote shall have the effect of allowing the Legislature to provide a personal property tax exemption for a person who owns livestock, poultry, aquatic animals and honeybees and is principally engaged in agricultural production.

YES



A "no" vote shall have the effect of not allowing the Legislature to provide a personal property tax exemption for a person who owns livestock, poultry, aquatic animals and honeybees and is principally engaged in agricultural production.

NO



PROPOSITION 103

OFFICIAL TITLE

AN INITIATIVE MEASURE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, SECTION 31, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVIII, SECTION 5, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVIII, SECTION 6, CONSTITUTION OF ARIZONA, RELATING TO CIVIL JUSTICE REFORM.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

The Constitution of Arizona is proposed to be amended as follows, by amending Article II, section 31; Article XVIII, section 5; Article XVIII, section 6, if approved by the voters and on proclamation of the Governor:

Section 1. Article II, section 31, Constitution of Arizona is amended to read:

31. Damages for death or personal injuries

Section 31. ~~No~~ A law ~~shall~~ MAY be enacted in this State limiting the amount of damages to be recovered for causing the death or injury of any person.

Section 2. Article XVIII, section 5, Constitution of Arizona is amended to read:

5. Contributory negligence and assumption of risk

Section 5. UNLESS OTHERWISE PROVIDED BY LAW, the defense of contributory negligence or of assumption of risk shall ~~in all cases whatsoever~~, be a question of fact and shall ~~at all times~~, be left to the jury.

Section 3. Article XVIII, section 6, Constitution of Arizona is amended to read:

6. Recovery of damages for injuries

Section 6. The right of action to recover damages for injuries ~~shall never~~ MAY be abrogated, and the amount recovered ~~shall not~~ MAY be subject to ~~any~~ statutory limitation.

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

The Constitution of Arizona provides that no law limiting or prohibiting the right to sue for death or injury and no law limiting the amount of money to be recovered can be enacted. The Constitution of Arizona also provides that in a lawsuit the jury determines all questions relating to the legal defense of "contributory negligence" or "assumption of risk".

Proposition 103 would amend the Constitution of Arizona to:

1. Allow the Legislature or the people to enact laws that could limit or prohibit a person from bringing a lawsuit to recover money or benefits for injuries;
2. Allow the Legislature or the people to enact laws that could limit the amount of money or benefits a person could recover for death or personal injuries, and
3. Allow the Legislature or the people to enact laws that could remove the defense of "contributory negligence" or "assumption of risk" from the consideration of a jury.

ARGUMENT "FOR" PROPOSITION 103

Arizona is one of the few states in the country where prisoners, drunk drivers and criminals can sue their victims -- that's absurd. A "YES" vote on Proposition 103 will put a stop to these types of absurdities, so you can't be sued by a criminal or a drunk driver.

Henry Evans, Chairman
People for a Fair Legal System
Cotton Farmer
Cashion

ARGUMENT "FOR" PROPOSITION 103

It is time we put a stop to the madness and absurdity in our legal system. The people of Arizona deserve a legal system that protects us from frivolous lawsuits. We need a legal system that is fair and responsive to our people. Voting Yes on Proposition 103 will help us fix our out of control legal system.

On behalf of the Arizona Chamber of Commerce I urge you to vote Yes on Proposition 103.

Clint Magnussen, Chairman of the Board	Wayne C. Anderson, President and CEO
AZ Chamber of Commerce	AZ Chamber of Commerce
Phoenix	Phoenix

ARGUMENT "FOR" PROPOSITION 103

"Modifications of these three outdated sections of the Arizona State Constitution will go a long way towards helping victims better protect themselves from being sued by their attackers."

Stephanie Orr, Executive Director	Maria Hoffman, Board Member
Center Against Sexual Abuse	Center Against Sexual Abuse
Phoenix	Phoenix

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

The future of recreational trails in Arizona and the preservation of our Western way of life depends on the passage of this proposition. Without the modifications and updates of our outdated legal system that this initiative will bring, the liability concerns of private landowners may force the closure of some of our state's most popular hiking, horseback riding and mountain biking trails, and the effect on our quality of life will be tremendous. We urge you to support this constitutional reform proposition.

Deborah Suppes, President	Steve Anderson, Vice President
Pima Trails Assn	Pima Trails Assn
Tucson	Palo Verde

ARGUMENT "FOR" PROPOSITION 103

Senate Bill 1305 will protect volunteers who work for many worthy organizations, such as Arizona Special Olympics, from frivolous liability lawsuits that arise from their volunteerism. However, Senate Bill 1305 will

become law only if Proposition 103 is passed. Generous volunteers acting in good faith should not have to worry about frivolous lawsuits.

John H. Coomer, Executive Director Richard L. Vogel, Chairman
AZ Special Olympics AZ Special Olympics
Phoenix Phoenix

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

I support this initiative because it will allow previously-passed legislation dealing with volunteers to be more effective. This initiative will help protect nonprofit and public agencies and their volunteers from frivolous lawsuits. It will remove some barriers that prevent citizens from volunteering.

Lucia Causey, Executive Director
Volunteer Center of Maricopa County
Tempe

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

This amendment will support legislation that will protect 501(c)(3) charitable organizations and their volunteers from frivolous liability lawsuits, gross negligence notwithstanding. With these invaluable protections, Arizona Not-For Profit Organizations will not have to waste their precious resources defending themselves from ridiculous lawsuits; and civic minded individuals will not be threatened by ridiculous lawsuits because they wish to volunteer their time to support community projects.

Maria Hoffman, Executive Director Darlene Dankowski, Co-Chair
AZ Council of Centers for Children and Adolescents AZ Council of Centers for Children and Adolescents Legislative Committee
Phoenix Phoenix

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

As a 27 year adult volunteer to youth sports programs in Arizona, I fully support the provisions of this proposition, specifically regarding the Adult Volunteer Immunity, and the safeguards that the school districts obtain by permitting the use of their facilities. With all of the problems of our youth of today, it is a tragedy that so many adults are afraid to volunteer their time, because of the fear of being served a lawsuit, for actions that were well intended, and not in violation of any law. The youth needs their help!

Dan Rich, Past President Madison #1 Little League Victoria A. Gamby, Director of Finance
Past Commissioner AZ Youth Football Federation, Inc. AZ Youth Football Federation, Inc.
Phoenix Scottsdale

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

If the frivolous law suits are allowed to continue, the cost to the Taxpayers will continue to rise. In order to live in a free society we must not be in fear of frivolous cost to family and estate for our efforts to volunteer and serve in our communities.

Richard R. Wiesler, Director Preston E. Welch, 1st Vice President
Sun City Taxpayers Assn, Inc. Sun City Taxpayers Assn, Inc.
Sun City Sun City

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

Fixing the outrageousness in our legal system will go a long way towards protecting the services that Arizona's towns and cities provide their people. As a former mayor of Tolleson, Arizona, as a homeowner and as a taxpayer

who works hard for his money (I'm a barber), I know what phony lawsuits, or the threat of these type of lawsuits cost in taxes and insurance dollars. A "YES" vote on Proposition 103 will put a lid on some of the more frivolous lawsuits, protecting your right not to have your hard earned dollars go to a few greedy lawyers .

Mario Herrera
Tolleson

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

"Our small town has many volunteer community services that are threatened by ridiculous lawsuits. This constitutional amendment will protect our town's most valuable asset -- its volunteers -- by ending the threat of frivolous lawsuits."

Roy W. Hunt, Town Manager Charles A. Dutcher, Vice-Mayor
Town of Snowflake Town of Snowflake

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

Law Enforcement Officers are becoming increasingly more apprehensive about performing their required duties due to the vast numbers of lawsuits being filed against them. This proposition is therefore supported by the Arizona State F.O.P. who feel that it will only enhance law enforcement in the state by allowing duty performance of officers without fear of harassment from and by law breakers. This proposition should maintain the following criteria: In the event a person is injured or property is damaged as a result of actions being taken by a certified law enforcement officer and that law enforcement officer is performing their duty within the guidelines of established state and federal laws as well as their departmental rules and regulations, then that law enforcement officer is protected from lawsuits by that person or owner of said property. Restitution should be the responsibility of the law breaker.

The F.O.P. also feels the only way these vital efforts can truly take effect is with the proposed changes in the State's Constitution as related to the civil justice reform on Article II section 31; Article XVIII section 5 and Article XVIII section 6 of the Arizona Constitution.

Warren L. Hock, Chairman	Margaret Lusk
AZ Fraternal Order of Police Legislative Committee	AZ Fraternal Order of Police Legislative Committee
Tucson	Tucson

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

The Arizona Cotton Growers Association urges its members to support Proposition 103. And we further urge the people of Arizona to vote Yes on Proposition 103 to create a fairer legal system and to do away with frivolous lawsuits.

Rick C. Lavis, Executive Vice President	Arden J. Palmer, Director of Field Services
AZ Cotton Growers Assn	AZ Cotton Growers Assn
Mesa	Mesa

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

The funds utilized to defend an individual or organization against a frivolous lawsuit are often taken from precious monies that should be used to provide additional services to the people in need. This is particularly true in the case of not-for-profits. This fear of these lawsuits have driven many good people out of the helping industries into other "safer" professions.

Support of this proposition will allow the state to protect professionals and volunteers from frivolous lawsuits and allow these individuals in the helping professions to perform the duties that we, the public, need.

I urge you to support this action and these hard working people.

Hal Elliott, Vice President
St. Paul's Academy

Maria Hoffman, Executive Director

Former President of the AZ Council of Children and Adolescents AZ Council of Children and Adolescents
Phoenix Phoenix

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

I, and many others, support this initiative as a proposition to amend the Constitution of Arizona. This proposition is important to the people of Mohave County and Arizona because it is the beginning of putting common sense back into the legal system. It will help to end frivolous lawsuits. It will allow legislation that reduces the exposure to liability for emergency medical technicians, firefighters and police officers, charities, schools, landowners, and numerous volunteers.

It will make the felon accountable for their actions. It will put meaning back into the phrase "if you do the crime, you will have to do the time." A beginning to free neighborhoods again, establishes justice and removes profit from the unscrupulous.

Sam Standerfer, Supervisor, District 1 Pat Chastain, Clerk of the Board
Mohave County Board of Supervisors Mohave County Board of Supervisors
Kingman Kingman

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

This amendment is the only way to put an end to the senseless waste of the Arizona legal system. As taxpayers and as consumers we are all paying for the high cost of frivolous and unnecessary lawsuits and so the Board of Directors of the Gilbert Chamber of Commerce supports this modification of the Arizona State Constitution as the way to bring about lasting lawsuit reform.

John Gibson, Executive Director Ron Minske, Board Member
Gilbert Chamber of Commerce Gilbert Chamber of Commerce
Gilbert Gilbert

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

Should a business that is trying to stay afloat and provide jobs to people in this time of economic uncertainty have to deal with the fear that it could be wiped out with just one frivolous lawsuit?

Should a man be able to sue a woman jogger for damages he incurred in a car wreck that he caused, claiming that her "attractiveness" made him take his eyes off the road?

Should a convicted prisoner be able to sue the people of Arizona for damages, or should a gang member be able to sue a family who is trying to make ends meet, when he injures himself while trying to steal their car? These are just a few examples of the frivolous and ridiculous lawsuits that are filed in Arizona each year.

During the 1993 Legislative session, Senate Bill 1055 was passed. This was a positive step in granting immunity to people and organizations against frivolous lawsuits. Unfortunately, the Arizona Trial Lawyers Association managed to get this overturned.

During the 1994 Legislative session, it was brought up under Senate Bill 1305 and was passed by our legislators. Therefore, the most important step in the process is now to reform a very unfair legal system. The way to get that done is to modify the three sections of the Arizona Constitution that relate to the civil justice system.

The Kingman Area Chamber of Commerce strongly supports this change in our legal system and asks that all chambers of commerce and voters in Arizona do as well.

Robert R. Rodriguez, President Beverly J. Liles, Executive Vice President
Kingman Area Chamber of Commerce Kingman Area Chamber of Commerce
Kingman Kingman

People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

"The Town of Pinetop-Lakeside is very much in favor of amending these three sections of the Arizona State Constitution and strongly encourage all Arizonans to vote yes on this proposition. Our community is tired of having its services limited because our taxpayer dollars are wasted by paying for foolish and unnecessary lawsuits."

Larry Vicario, Mayor Paul M. Watson, Town Manager
Town of Pinetop-Lakeside Town of Pinetop-Lakeside
People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

We urge a vote of "YES" for Proposition 103, so Arizona State Association of 4-Wheelers can enjoy the use of Arizona public and private lands for safe four wheel drive recreational use.

Sandee McCullen, Secretary Gary Keller, Land Use Chairman
AZ State Assn of 4 Wheel Drive Clubs AZ State Assn of 4 Wheel Drive Clubs
Tempe Tempe
People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "FOR" PROPOSITION 103

Silly lawsuits and unreasonable damage awards cost Arizona consumers and businesses too much money. Often these costs are hidden from the consumer because they are built into the price we pay for goods and services. We can cut these useless costs -- Vote YES on proposition 103!

Tom Jones, Executive Vice President Sherry Summers, Manager
Grand Canyon State Electric Cooperative Assn, Inc. Grand Canyon State Electric Cooperative Assn, Inc.
Phoenix Phoenix
People for a Fair Legal System: Joanne MacDonnell, Treasurer

ARGUMENT "AGAINST" PROPOSITION 103

This initiative completely turns around the laws that protect us. The verbs change "shall never" to "may".

This is an insurance company bill.

VOTE NO 103 .

Gary Gray, Treasurer
AZ for Pay At Pump (AZPAP), A Far Better Alternative
Glendale

ARGUMENT "AGAINST" PROPOSITION 103

There's a principle older than written civilization which, put simply, says: "You break it, you pay for it." Every civilization has said it, because it's right; but only one, ours, has guaranteed it. And the cornerstone of that guarantee - the only thing that assures it against powerful and wealthy influences - is the right to a trial by jury whenever we're injured by someone else's carelessness or spite.

The framers of both the American and Arizona Constitutions thought these rights and principles were important enough to mention several times in each document. We teach our children these principles because they are morally right and are the "cornerstone of our democracy".

This Proposition is a sweeping change which would effectively take away our right to a jury trial and replace it with politicians' decisions and lobbying influences. It would give the Legislature broad power not only to limit but to actually eliminate our right to be paid for injuries caused by others.

Let me remind you of something you already know: once we give up a right, we never get it back, especially if we vote it away. These rights are too important to be given up. They are too fundamental to be "tinkered with." They have been right too long to be changed. They are too personal to be entrusted to politicians.

Vote "NO" on Proposition 103.

Frank X. Gordon, Jr., Former Chief Justice
AZ Supreme Court
Phoenix

ARGUMENT "AGAINST" PROPOSITION 103

The Arizona Constitution represents the best of our 200+ year experiment with freedom and democracy. Drafted in 1910-11, our Constitution was the last, and possibly the best attempt to limit the abuses of special interests in the contiguous 48 states.

It is no accident that Article II (Statement of Rights) includes a specific prohibition against the Legislature ever attempting to limit the power of citizens acting as jurors. The framers of Arizona's Constitution trusted juries of average citizens and knew, from experience, how easily the Legislature could be used by powerful special interests.

It is no accident that Article 18, Section 6, reaffirms the framer's trust in juries and goes on to state citizens' absolute right to seek justice from their peers: "the right of action . . . shall never be abrogated" (abolished). No special interest could ever buy or control a jury of ordinary citizens, while few Legislatures around the country have ever resisted completely the power and money represented by those same special interests.

Proposition 103 is a blatant attempt by national insurance companies to abolish these constitutional protections and put decisions affecting your rights into the Legislature where they can more likely control votes. They are even using your premium dollars to finance this campaign to take away your rights!

The Arizona Constitution stands to protect the rights of everyone. It should never be amended to allow special interests like insurance companies to prevail over average citizens it was written to protect. I urge you to vote "NO" on Proposition 103.

David K. Udall
Mesa

ARGUMENT "AGAINST" PROPOSITION 103

Every year, over 24,000 people are killed, and hundreds of thousands seriously injured, by drunk drivers. This does not take into account victims who are injured or killed by all other forms of negligent behavior.

Last year, Mothers Against Drunk Drivers spoke out against the insurance industry's hold on our Legislature as Senate Bill 1055 (now Proposition 301) was pushed through. It is astounding to us that a bill which opens personal medical records to "any interested party", which excuses government from liability for unsafe roads and bridges, and tampers with the jury system for deciding fault and responsibility, could pass so easily.

Contrast that to MADD's four-year, unsuccessful fight to lower the legal alcohol limit to .08. The legislature seems to have it backwards.

MADD joined many Arizonans in creating and passing the Crime Victim's Bill of Rights four years ago. However, the rights of the victim of negligence have been established since statehood. The rule of accountability for one's behavior is basic to our form of self-government.

Too often, responsible individuals must rely on our civil justice system to hold people accountable who are negligent and escape any consequences under criminal law. It's tough enough to get a courtroom conviction against the negligent, even drunk, driver. We should not make it any tougher to do so in civil courts.

It is our fundamental responsibility to oppose Proposition 103. Wrongdoers should not be allowed to evade their responsibility while the insurance industry profits at the victim's expense.

We oppose Proposition 103 and urge a NO vote.

Jan Blaser-Upchurch, President Thomas Lee Johnson, Vice President
MADD - Pima County MADD - Pima County
Tucson Tucson

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

ARGUMENT "AGAINST" PROPOSITION 103

Proposition 103 is not a popularity contest about who you like better, one side or the other. It is, by our experience, a practical matter of deciding what's best for you.

The insurance companies supporting this proposition are interested in one thing - money, and the more the better, especially at our expense.

Giving up invaluable and fundamental protections to allow wrongdoers to escape responsibility and big insurance companies to profit is not in our best interest.

As Senior Citizens, we live and lead by example. Our experiences are practical lessons of history. These include survival through the most harsh of economic times; sacrifice through world conflict for the sake of peace; and "good old-fashion horse sense" to deal with shams.

We have the opportunity to teach a basic lesson about right and wrong by saying NO to Proposition 103. Individual responsibility and accountability are principles many have lived by and died for. These principles have always been in our best interest.

Harry C. Cooke Louise Dickson
Tempe Phoenix

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

ARGUMENT "AGAINST" PROPOSITION 103

In 1990, the voters in Arizona rejected an insurance company sponsored amendment to the Constitution by the greatest margin ever recorded in the state: 85% against to 15% for. That amendment would have permitted the Legislature to create a "no fault" auto insurance system and, ironically, would have amended the same sections of our Constitution as does Proposition 103.

What part of "NO" don't they understand?

There is no secret to the real agenda behind this proposition. The insurance companies have lined up the votes they need at the Legislature to pass a "no fault" system. That part is easy for them.

The Arizona Republic, in a July 7th story, reported that "If voters accept the constitutional amendment, insurance companies are expected to push for a no-fault auto-insurance system." Many incumbent legislators have said the same in their campaign literature. It's simply no secret that the insurance companies can get from the Legislature what they can't get from you, the voters.

The campaign they are waging in 1994 is clearly more sophisticated and more clever than what they did in 1990. But the result will be the same. What they call "lawsuit reform" is nothing but a euphemism for "no fault."

"No fault" means good drivers subsidize bad ones. "No fault" means your rates go up after a claim even if you did nothing wrong. "No fault" means caps on your medical payments and no protection if your company goes against you.

The insurance companies are nothing if not patient and persistent. Tell them you see through this sham. Tell them AGAIN that you're not interested.

Vote "NO" on Proposition 103.

Randy Gray, 1990 Chairman
Citizens Against No-Fault
Mesa

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

ARGUMENT "AGAINST" PROPOSITION 103

We oppose Proposition 103 because it hurts Arizona families. Most of us are hard-working, play-by-the-rules folks who have just enough to get by. We pay our bills on time, set a little aside for the future and buy insurance to protect ourselves against catastrophe.

It's never easy paying insurance bills, what with the cost always going up and the real hope being that you'll never use it. But we do it for our families, knowing that to not have insurance when you need it is a certain ticket to the welfare rolls. Our children have to be protected.

Most of us don't know much about the law, but we expect it to protect us, too. So when insurance companies pour millions of dollars into political campaigns to change the law, we get suspicious.

Proposition 103 isn't about people getting rights or protection. It's about losing rights and protection. It's about letting insurance companies and the legislators they control make the rules. Right now, the people have a fighting chance. If Proposition 103 passes, we don't have a chance.

The real irony here is that the insurance companies are using our premium dollars to pay for this campaign against us. It's not illegal . . . but it's wrong.

We've got to send them a message. Vote "NO" on Proposition 103.

Kay Cline

Earl Cline Shannon Alexander
Phoenix Cynthia Alexander Phoenix

Valerie Smith
Doug Smith
Phoenix

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

ARGUMENT "AGAINST" PROPOSITION 103

Over the past few years, emergency medical care has advanced in keeping injured persons alive. Today, the injured person with a severe head injury has a much-improved chance of recovering and living a productive life. But recovery is an expensive process, one that is as dependent on holding the wrongdoer financially accountable as it is the medical care and technology available. Treatment and therapy have improved, but the cost of these vital services often exceeds \$100,000 in the first year of rehabilitation alone. In reality, for the head injury patient, the road to recovery is a slow, tedious, frustrating and expensive path to regain personal independence.

Limiting a victim's recovery and excluding negligent people from accountability is wrong and puts an unnecessary burden on us all. The resources of a head injury patient and the patient's family are spent quickly, creating a dependence on available State and County services, systems that are already over-burdened and driving taxes higher.

It is the role of the private-sector insurance industry, with its massive resources, to step to the forefront on behalf of the injured. Yet here, in pushing for the passage of Proposition 103, they do no such thing. Instead, they use precious premium dollars to diminish their own responsibility and increase their financial windfall at the cost of the victims' dignity.

Proposition 103 is the insurance companies' protection act. Its passage would lead to further injury to those who most need help. We oppose Proposition 103 and urge a vote "NO".

Annette Zaccari, President David Anderson, Vice President
AZ Head Injury Foundation AZ Head Injury Foundation
Phoenix Phoenix

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

ARGUMENT "AGAINST" PROPOSITION 103

The Arizona Constitution is currently based on the simple premise that people injured by the negligence of others should be compensated, and that persons who cause these injuries should be held responsible for their actions.

This principle lies at the very core of our social fabric -- our sense of right and wrong -- from the 10 year-old who hits a baseball through a neighbor's window to a toxic dumper polluting city wells.

Our civil justice system tries to mirror this basic rule. No, it's not perfect, but it does try to produce fairness and personal responsibility.

It's one thing, however, to recognize the imperfections in a system and another thing altogether to debase it with lies and distortions. Proponents claim that our court system is clogged with "frivolous" suits. Yet the truth, as reported in the June 11th, Arizona Republic, is just the opposite -- that fewer cases are being filed. When pressed to give specifics, proponents toss out all manner of unsubstantiated anecdotes -- funny stuff, to be sure -- but untrue, and straight from the annals of urban legend, like crocodiles in the sewers.

Dan Quayle used to like to say that America has 70% of the world's lawyers and spends \$100 billion a year in wasteful litigation. It struck a cord and the insurance companies loved it. Unfortunately, it ain't so. America has only about 3% of the world's lawyers, which isn't bad considering Bosnia has almost none. And the total cost of personal injury litigation runs about \$4 billion, roughly half of what we spend on cigarettes and a bit more than we buy in hot dogs.

Vote "NO" on Proposition 103.

Randy Gray, Chairman
Fairness and Accountability in Insurance Reform (FAIR)
Mesa

ARGUMENT "AGAINST" PROPOSITION 103

The following Analysis was prepared by legislative staff. They felt it was an accurate and impartial analysis of the effect of Prop 103, which is what state law requires them to prepare. The staff worked on this for weeks before submitting it to legislators on the Legislative Council Committee for inclusion in this very pamphlet.

But it was never even considered.

Instead, Senate President John Greene, co-chairman of the insurance company-funded campaign for Prop 103, wrote the other argument entitled "Analysis by Legislative Council" that appears a few pages before this. The President then convinced other legislators to insert his argument in place of the impartial analysis by staff.

We urge you to read both. You be the judge of the Legislature's impartiality.

" ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

The Constitution of Arizona provides that no law eliminating the right to sue for death or injury and no law limiting the amount of money to be recovered can be enacted. The Constitution of Arizona also provides that in a lawsuit the jury determines all questions relating to the legal defense of 'contributory negligence' or 'assumption of risk'.

This proposition would amend the Constitution by:

1. Allowing the Legislature to enact laws that would eliminate a person's right to bring an action to recover money or benefits for injuries,
2. Allowing the Legislature to enact laws that would limit the amount of money or benefits a person could recover for death or personal injuries, and
3. Allowing the Legislature to enact laws that would remove the defense of 'contributory negligence' or 'assumption of risk' from the consideration of a jury."

Vote NO on Prop 103.

Jim Roush

Tempe

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

BALLOT FORMAT

PROPOSITION 103

PROPOSED AMENDMENT TO THE CONSTITUTION BY THE INITIATIVE

OFFICIAL TITLE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, SECTION 31, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVIII, SECTION 5, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVIII, SECTION 6, CONSTITUTION OF ARIZONA, RELATING TO CIVIL JUSTICE REFORM.

DESCRIPTIVE TITLE

AMENDING THE ARIZONA CONSTITUTION TO ELIMINATE THE PROVISIONS PROHIBITING THE LEGISLATURE FROM RESTRICTING THE RECOVERY OF DAMAGES FOR PERSONAL INJURIES, THE CONSIDERATION OF CERTAIN DEFENSES BY A JURY, AND THE AMOUNT OF DAMAGES RECOVERABLE FOR DEATH OR INJURY.

PROPOSITION 103

A "yes" vote shall have the effect of amending the Constitution to eliminate the provisions prohibiting the Legislature from restricting the recovery of damages for personal injuries, the consideration of certain defenses by a jury, and the amount of damages recoverable for death or injury.

YES



A "no" vote shall have the effect of keeping the current constitutional provisions regarding the recovery of damages, the consideration of certain defenses by a jury, and the amount of damages recoverable.

NO



PROPOSITION 200

OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING TITLE 42, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLES 1.2 AND 1.3; RELATING TO TOBACCO TAXES TO PROVIDE FOR HEALTH CARE SERVICES FOR THE MEDICALLY NEEDY, MEDICALLY INDIGENT AND LOW INCOME CHILDREN, TOBACCO RELATED EDUCATION AND RESEARCH AND ADJUSTMENT TO CORRECTIONS FUND, USE OF TAX MONIES TO SUPPLEMENT EXISTING FUNDS AND LEVELS OF SERVICE, TOBACCO TAX LEVY ON INDIAN RESERVATIONS AND RELATED EXEMPTIONS; AND PROVIDING FOR SEVERABILITY.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of the State of Arizona:

The following amendments to provide for a tobacco tax for health care purposes are proposed to become valid when approved by a majority of the qualified electors voting thereon and on proclamation of the governor:

Section 1. Declaration of policy

A. The people of Arizona believe it is in the best interest of Arizona to establish state funds dedicated to provide health care programs and services, such as health care services for medically needy, medically indigent persons and low income children, education for the prevention and reduction of tobacco use and tobacco related disease and addiction research.

B. It is the intention and desire of the people of Arizona in enacting this measure by initiative that the funds provided hereby are in addition to and separate from other funds that are now and shall be annually appropriated by the legislature. The funds provided hereby shall not be deemed or classed to be appropriations by the legislature.

Sec. 2. Title 42, Chapter 7, Arizona Revised Statutes, is amended by adding Article 1.2, to read:

ARTICLE 1.2. TOBACCO TAX FOR HEALTH CARE PURPOSES

42-1241. Levy and collection of tax; establishment of fund and accounts; purposes; administration; distribution

A. IN ADDITION TO ALL OTHER TAXES, AND IN ADDITION TO THE TAX LEVIED AND IMPOSED BY

SECTIONS 42-1204 AND 42-1231, THERE IS LEVIED AND SHALL BE COLLECTED BY THE DEPARTMENT AND PAID TO THE STATE TREASURER IN THE MANNER PROVIDED BY ARTICLE 1 OF THIS CHAPTER ON ALL CIGARETTES, CIGARS, SMOKING TOBACCO, PLUG TOBACCO, SNUFF AND OTHER FORMS OF TOBACCO THE FOLLOWING TAX:

1. ON EACH CIGARETTE, 2 CENTS.
2. ON SMOKING TOBACCO, SNUFF, FINE CUT CHEWING TOBACCO, CUT AND GRANULATED TOBACCO, SHORTS AND REFUSE OF FINE CUT CHEWING TOBACCO, AND REFUSE, SCRAPS, CLIPPINGS, CUTTINGS AND SWEEPINGS OF TOBACCO, EXCLUDING TOBACCO POWDER OR TOBACCO PRODUCTS USED EXCLUSIVELY FOR AGRICULTURAL OR HORTICULTURAL PURPOSES AND UNFIT FOR HUMAN CONSUMPTION, 4.5 CENTS PER OUNCE OR MAJOR FRACTION THEREOF.
3. ON ALL CAVENDISH, PLUG OR TWIST TOBACCO, 1.1 CENTS PER OUNCE OR FRACTIONAL PART THEREOF.
4. ON EACH TWENTY SMALL CIGARS OR FRACTIONAL PART THEREOF WEIGHING NOT MORE THAN THREE POUNDS PER THOUSAND, 8.9 CENTS.
5. ON CIGARS OF ALL DESCRIPTIONS EXCEPT THOSE INCLUDED IN PARAGRAPH 4 OF THIS SUBSECTION, MADE OF TOBACCO OR ANY SUBSTITUTE THEREFOR, IF MANUFACTURED TO RETAIL AT NOT MORE THAN 5 CENTS EACH, 4.4 CENTS ON EACH THREE CIGARS, BUT IF MANUFACTURED TO RETAIL AT MORE THAN 5 CENTS EACH, 4.4 CENTS ON EACH CIGAR.
- B. THE TOBACCO TAX AND HEALTH CARE FUND IS ESTABLISHED IN THE STATE TREASURY. THE FUND SHALL CONSIST OF ALL REVENUES DEPOSITED THEREIN PURSUANT TO THIS ARTICLE AND ARTICLE 1.3 AND INTEREST EARNED ON THOSE MONIES. THE STATE TREASURER SHALL DEPOSIT ALL MONIES RECEIVED UNDER THIS SECTION INTO THIS FUND. THE STATE TREASURER SHALL INVEST MONIES IN THE FUND AND ALL ACCOUNTS THEREIN AS PROVIDED BY SECTION 35-311. THE STATE TREASURER SHALL CREDIT MONIES EARNED FROM THESE INVESTMENTS TO THE FUND.
- C. THE FUND SHALL BE DEPOSITED IN FOUR SEPARATE ACCOUNTS AND SHALL BE ADMINISTERED AS SET FORTH BELOW FOR THE FOLLOWING PURPOSES, SUBJECT TO THE PROVISIONS OF SECTION 42-1242:
 1. TWENTY-THREE CENTS OF EACH DOLLAR IN THE FUND SHALL BE DEPOSITED IN THE HEALTH EDUCATION ACCOUNT FOR PROGRAMS FOR THE PREVENTION AND REDUCTION OF TOBACCO USE, THROUGH PUBLIC HEALTH EDUCATION PROGRAMS, INCLUDING, BUT NOT LIMITED TO, COMMUNITY BASED EDUCATION, CESSATION, EVALUATION AND OTHER PROGRAMS TO DISCOURAGE TOBACCO USE AMONG THE GENERAL POPULATION AS WELL AS MINORS AND CULTURALLY DIVERSE POPULATIONS. THE ACCOUNT SHALL BE ADMINISTERED BY THE ARIZONA DEPARTMENT OF HEALTH SERVICES.
 2. FIVE CENTS OF EACH DOLLAR IN THE FUND SHALL BE DEPOSITED IN THE HEALTH RESEARCH ACCOUNT FOR RESEARCH ON THE PREVENTION AND TREATMENT OF TOBACCO-RELATED DISEASE AND ADDICTION. THE ACCOUNT SHALL BE ADMINISTERED BY THE ARIZONA DEPARTMENT OF HEALTH SERVICES.
 3. SEVENTY CENTS OF EACH DOLLAR SHALL BE DEPOSITED IN THE MEDICALLY NEEDY ACCOUNT, FOR PROVIDING PERSONS DETERMINED MEDICALLY INDIGENT PURSUANT TO SECTION 11-297, MEDICALLY NEEDY PURSUANT TO SECTION 36-2905 OR LOW INCOME CHILDREN PURSUANT TO SECTION 36-2905.03, WITH HEALTH CARE SERVICES PROVIDED BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM, PURSUANT TO TITLE 36, CHAPTER 29, ARTICLE 1, OR ANY EXPANSION OF THAT PROGRAM, OR ANY SUBSTANTIALLY EQUIVALENT OR EXPANDED SUCCESSOR PROGRAM ESTABLISHED BY THE LEGISLATURE PROVIDING HEALTH CARE SERVICES TO PERSONS WHO CANNOT AFFORD THOSE SERVICES AND FOR WHOM THERE WOULD OTHERWISE BE NO COVERAGE. THESE SERVICES SHALL INCLUDE, BUT NOT BE LIMITED TO, PREVENTIVE CARE AND THE TREATMENT OF CATASTROPHIC ILLNESS OR INJURY, AS PROVIDED BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM. THE ACCOUNT SHALL BE ADMINISTERED BY THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION OR ANY SUCCESSOR THERETO.
 4. TWO CENTS OF EACH DOLLAR IN THE FUND SHALL BE DEPOSITED IN THE ADJUSTMENT ACCOUNT FOR TRANSFER OF APPROPRIATE AMOUNTS TO THE CORRECTIONS FUND ESTABLISHED BY SECTION 41-1641 TO COMPENSATE FOR DECREASES IN THE CORRECTIONS FUND RESULTING FROM LOWER TOBACCO TAX REVENUES AVAILABLE UNDER SECTION 42-1204, SUBSECTION B, PARAGRAPH 3 AS A RESULT OF THE TAX SET FORTH IN SECTION 42-1241. ANY FUNDS IN THE

ADJUSTMENT ACCOUNT IN EXCESS OF THE AMOUNT NEEDED FOR SUCH ADJUSTMENT SHALL REVERT TO THE TOBACCO TAX AND HEALTH CARE FUND FOR DISTRIBUTION IN EQUAL PROPORTIONS TO THE ACCOUNTS DESCRIBED UNDER SUBSECTION C, PARAGRAPHS 1, 2 AND 3 OF THIS SECTION. THE FUNDS DEPOSITED IN THE ADJUSTMENT ACCOUNT UNDER THIS PROVISION SHALL BE ADMINISTERED BY THE DEPARTMENT.

- D. THE FUND AND ITS ACCOUNTS ARE NOT SUBJECT TO APPROPRIATION. EXPENDITURES FROM EACH ACCOUNT ARE NOT SUBJECT TO ADDITIONAL APPROVAL, NOTWITHSTANDING ANY STATUTORY PROVISION TO THE CONTRARY.
- E. IN NO EVENT SHALL ANY MONIES IN THE FUND OR ITS ACCOUNTS REVERT TO THE STATE GENERAL FUND. MONIES IN THE FUND AND ITS ACCOUNTS ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190, RELATING TO LAPSING OF APPROPRIATIONS.
- F. UNLESS OTHERWISE PROVIDED, THE ADMINISTRATION OF THIS ARTICLE IS VESTED IN AND SHALL BE EXERCISED BY THE DEPARTMENT ACCORDING TO CHAPTER 1, ARTICLES 1 AND 2 OF THIS TITLE, ARTICLE 1 OF THIS CHAPTER AND THIS ARTICLE.

42-1242. Use of funds

MONIES IN THE FUND SHALL BE EXPENDED ONLY FOR PURPOSES AUTHORIZED BY THIS ARTICLE. MONIES DEPOSITED IN THE HEALTH EDUCATION AND HEALTH RESEARCH ACCOUNTS SHALL ONLY BE USED TO SUPPLEMENT FUNDS APPROPRIATED BY THE LEGISLATURE FOR HEALTH EDUCATION AND HEALTH RESEARCH PURPOSES AND SHALL NOT BE USED TO SUPPLANT SUCH APPROPRIATED FUNDS. MONIES DEPOSITED IN THE MEDICALLY NEEDY ACCOUNT SHALL ONLY BE USED TO SUPPLEMENT FUNDS APPROPRIATED BY THE LEGISLATURE FOR THE PURPOSE OF PROVIDING LEVELS OF SERVICE ESTABLISHED PURSUANT TO TITLE 36, CHAPTER 29, ARTICLE 1 TO ELIGIBLE PERSONS AS DEFINED UNDER SECTION 36-2901, PARAGRAPH 4, OR ANY EXPANSION OF SUCH LEVELS OF SERVICE, OR FOR ANY SUCCESSOR PROGRAM ESTABLISHED BY THE LEGISLATURE PROVIDING LEVELS OF SERVICE SUBSTANTIALLY EQUIVALENT TO, OR EXPANDING THOSE PROVIDED, PURSUANT TO TITLE 36, CHAPTER 29, ARTICLE 1 TO SUCH ELIGIBLE PERSONS. MONIES DEPOSITED IN THE MEDICALLY NEEDY ACCOUNT SHALL NOT BE USED TO SUPPLANT FUNDS APPROPRIATED BY THE LEGISLATURE FOR THE PURPOSE OF PROVIDING LEVELS OF SERVICE ESTABLISHED PURSUANT TO TITLE 36, CHAPTER 29, ARTICLE 1. FOR PURPOSES OF THIS SECTION, "LEVELS OF SERVICE" MEANS THE PROVIDER PAYMENT METHODOLOGY, ELIGIBILITY CRITERIA AND COVERED SERVICES ESTABLISHED PURSUANT TO TITLE 36, CHAPTER 29, ARTICLE 1 IN EFFECT ON JULY 1, 1993.

Sec. 3. Title 42, Chapter 7, Arizona Revised Statutes, is amended by adding Article 1.3, to read:

ARTICLE 1.3. INDIAN RESERVATION TOBACCO TAX

42-1251. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "INDIAN" MEANS ANY PERSON DULY REGISTERED ON THE TRIBAL ROLLS OF AN INDIAN TRIBE OCCUPYING AN INDIAN RESERVATION.
2. "INDIAN RESERVATION" MEANS ALL LANDS HELD IN TRUST BY THE UNITED STATES WITHIN THE LIMITS OF AREAS SET ASIDE BY THE UNITED STATES FOR THE EXCLUSIVE USE AND OCCUPANCY OF INDIAN TRIBES BY TREATY, STATUTE OR EXECUTIVE ORDER WHICH AREAS ARE RECOGNIZED AS INDIAN RESERVATIONS BY THE UNITED STATES DEPARTMENT OF THE INTERIOR.
3. "INDIAN TRIBE" MEANS ANY ORGANIZED INDIAN NATION, TRIBE, BAND OR COMMUNITY RECOGNIZED AS AN INDIAN TRIBE BY THE UNITED STATES DEPARTMENT OF THE INTERIOR.

42-1252. Levy of Indian reservation tobacco tax; rate; distribution of revenues; civil penalty; exemptions

- A. IN ADDITION TO ALL OTHER TAXES, THERE IS LEVIED AND SHALL BE COLLECTED BY THE DEPARTMENT AND PAID TO THE STATE TREASURER A TAX ON THE PURCHASE ON AN INDIAN RESERVATION OF CIGARETTES, CIGARS, SMOKING TOBACCO, PLUG TOBACCO, SNUFF AND OTHER FORMS OF TOBACCO, AT THE RATES PRESCRIBED BY SECTION 42-1241, SUBSECTION A.
- B. THE TAXES LEVIED AND COLLECTED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE DEPOSITED IN THE TOBACCO TAX AND HEALTH CARE FUND ESTABLISHED BY SECTION 42-1241 AND USED FOR THE PURPOSES PROVIDED THEREIN.
- C. THE TAXES LEVIED PURSUANT TO THIS SECTION ARE CONCLUSIVELY PRESUMED TO BE DIRECT TAXES ON THE CONSUMER BUT SHALL BE PRECOLLECTED AND REMITTED TO THE DEPARTMENT BY THE DISTRIBUTOR FOR THE PURPOSE OF CONVENIENCE AND FACILITY ONLY. THE TAXES THAT ARE PRECOLLECTED AND PAID TO THE DEPARTMENT BY THE DISTRIBUTOR SHALL BE CONSIDERED TO BE AN ADVANCE PAYMENT AND SHALL BE ADDED TO THE PRICE OF THE

CIGARETTES, CIGARS, SMOKING TOBACCO, PLUG TOBACCO, SNUFF AND OTHER FORMS OF TOBACCO AND SHALL BE RECOVERED FROM THE CONSUMER.

D. IF THE TAX IMPOSED BY THIS SECTION ON CIGARETTES, CIGARS, SMOKING TOBACCO, PLUG TOBACCO, SNUFF AND OTHER FORMS OF TOBACCO HAS NOT BEEN PRECOLLECTED OR REMITTED WHEN DUE BY THE DISTRIBUTOR, THE DISTRIBUTOR SHALL BE SUBJECT TO A CIVIL PENALTY EQUAL TO THE AMOUNT OF TAXES THAT SHOULD HAVE BEEN PRECOLLECTED OR REMITTED BUT WAS NOT.

E. THE TAX LEVIED BY THIS SECTION DOES NOT APPLY TO CIGARETTES, CIGARS, SMOKING TOBACCO, PLUG TOBACCO, SNUFF AND OTHER FORMS OF TOBACCO:

1. FOR WHICH THE TAXES IMPOSED BY ARTICLE 1.2 OF THIS CHAPTER HAVE BEEN PAID.

2. SOLD BY AN INDIAN TRIBE, OR BY A FEDERALLY LICENSED INDIAN TRADER, ON AN INDIAN RESERVATION TO INDIANS WHO ARE ENROLLED MEMBERS OF THE INDIAN TRIBE FOR WHOSE BENEFIT THE INDIAN RESERVATION WAS ESTABLISHED.

42-1253. Precollection and remittance of tax by purchase of revenue stamps: procedure for claiming exemption

A. FOR THE PURPOSE OF THE PRECOLLECTION AND REMITTANCE OF THE TAX IMPOSED BY SECTION 42-1252 ON CIGARETTES, CIGARS, SMOKING TOBACCO, PLUG TOBACCO, SNUFF AND OTHER FORMS OF TOBACCO, THE DISTRIBUTOR SHALL PURCHASE AND AFFIX REVENUE STAMPS PURSUANT TO ARTICLE 1 OF THIS CHAPTER.

B. THE DEPARTMENT SHALL PROMULGATE REGULATIONS PRESCRIBING THE PROCEDURES FOR CLAIMING AND VERIFYING SALES EXEMPT UNDER SECTION 42-1252, SUBSECTION E.

42-1254. Criminal violation: classification

A DISTRIBUTOR OR ANY PERSON WHO SHIPS, TRANSPORTS, SELLS OR DISTRIBUTES CIGARETTES, CIGARS, SMOKING TOBACCO, PLUG TOBACCO, SNUFF AND OTHER FORMS OF TOBACCO ON WHICH THE TAX REQUIRED BY THIS ARTICLE HAS NOT BEEN PAID IS GUILTY OF A CLASS 3 MISDEMEANOR.

42-1255. Administration

UNLESS OTHERWISE PROVIDED, THE ADMINISTRATION OF THIS ARTICLE IS VESTED IN AND SHALL BE EXERCISED BY THE DEPARTMENT ACCORDING TO CHAPTER 1, ARTICLES 1 AND 2 OF THIS TITLE, ARTICLE 1 OF THIS CHAPTER AND THIS ARTICLE.

42-1256. Preemption by state

THE AREA OF INDIAN RESERVATION TOBACCO TAXATION IS PREEMPTED BY THIS STATE, AND A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE SHALL NOT LEVY SUCH A TAX. NOTHING IN THIS SECTION SHALL PRECLUDE AN INDIAN TRIBE FROM IMPOSING ITS OWN TOBACCO TAX OR SIMILAR LEVY.

42-1257. Indian reservation tobacco tax not to apply if similar tax is imposed by Indian tribe

IF AN INDIAN TRIBE IMPOSES A LUXURY, SALES, TRANSACTION PRIVILEGE OR SIMILAR TAX ON CIGARETTES, CIGARS, SMOKING TOBACCO, PLUG TOBACCO, SNUFF AND OTHER FORMS OF TOBACCO, BUT AT A RATE LESS THAN THAT PRESCRIBED BY SECTION 42-1252, SUBSECTION A, THE TAX IMPOSED BY SECTION 42-1252, SUBSECTION A SHALL BE LEVIED AT A RATE EQUAL TO THE DIFFERENCE BETWEEN THE RATE PRESCRIBED BY SECTION 42-1252, SUBSECTION A AND THE TAX IMPOSED BY SUCH INDIAN TRIBE. IF THE TAX IMPOSED BY SUCH INDIAN TRIBE IS EQUAL TO OR GREATER THAN THE TAX PRESCRIBED BY SECTION 42-1252, SUBSECTION A, THEN THE RATE PRESCRIBED BY SECTION 42-1252, SUBSECTION A SHALL BE ZERO.

Sec. 4. Severability clause

If any provision of this measure is declared invalid by a court of competent jurisdiction, such invalidity does not affect other provisions that can be given effect without the invalid provision and to this end the provisions of this measure are declared to be severable.

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

Proposition 200 proposes to increase the state tax on cigarettes, cigars and other tobacco products and use the additional revenue generated for health care and for education and research related to preventing and reducing tobacco use. The following table shows the proposed tax rates on each class of tobacco product:

	PROPOSED	PROPOSED
	CURRENT	

ITEM	TAX RATE	ADDITIONAL TAX RATE	TOTAL TAX RATE
Cigarettes	.9 each (18 per pack)	2 each (40 per pack)	2.9 each (58 per pack)
Smoking tobacco, snuff, fine cut chewing tobacco, cut and granulated tobacco, shorts and refuse of fine cut chewing tobacco, and refuse, scraps, clip pings, cuttings and sweepings of tobacco (except tobacco powder and tobacco products used exclusively for agricultural purposes and unfit for human consumption)	2 per oz.	4.5 per oz.	6.5 per oz.
Cavendish, plug or twist tobacco	.5 per oz.	1.1 per oz.	1.6 per oz.
Small cigars (weighing not more than 3# per 1,000)	4 per 20	8.9 per 20	12.9 per 20
All other cigars (retailing at not more than 5 each)	2 per 3	4.4 per 3	6.4 per 3
All other cigars (retailing at more than 5 each)	2 each	4.4 each	6.4 each

The money that would be collected from the additional tax rates would be apportioned automatically, without legislative appropriation, review or approval and used exclusively as follows:

70%: Providing medical and health care services to persons who are indigent, who are medically needy or who are low-income children including, but not limited to, offering preventive care or treating catastrophic illness or injury through the Arizona Health Care Cost Containment System (AHCCCS) or any successor or substantially similar program. This money would supplement, and not replace, current levels of state funding.

23%: Programs to prevent and reduce tobacco use through public health education programs, including, but not limited to, community based education, cessation, evaluation and other programs to discourage tobacco use. This money would supplement, and not replace, current levels of state funding.

5%: Research into preventing and treating tobacco-related disease and addiction.

Up to 2%: Prisons and other correctional facilities to compensate for reductions in current tobacco tax funding caused by less tobacco use due to the new higher taxes. Any amount not needed for this purpose would be divided equally among the other three categories.

Proposition 200 would also impose a state tax on cigarettes, cigars and other tobacco products purchased on Indian reservations (unless sold by the tribe or a licensed Indian trader to an enrolled member of that tribe). The state tax would be at the same rate as the new, additional rates set by this Proposition for off-reservation purchases, less the amount of any applicable tribal tax.

ARGUMENT "FOR" PROPOSITION 200

Smoking is unhealthy for smokers, their children and the public.

Discouraging tobacco use is a good idea. As fewer of us use tobacco, our health improves, we live longer, and productivity in the work place increases.

Proposition 200 will reduce tobacco use. By adding a 40¢ per pack tax on cigarettes and using revenues to fund tobacco-related education programs, smokers will cut their tobacco use and children will be discouraged from starting. The tax on chewing tobacco, and other forms of tobacco will also increase. Only tobacco users will pay the tax.

This plan works. It saves lives and lowers tobacco-related costs that all consumers now pay. Smokers will pay a greater share of the costs associated with their tobacco use.

A neighboring state raised its tobacco tax, launched an aggressive tobacco education program and watched its smoking rate decline by three times the national average.

New revenues created by Proposition 200 can only be spent on:

- health care services to low income children and the uninsured, especially those who fall victim to catastrophic illness or injury;
- education on the dangers of using tobacco;
- research on treating nicotine addiction and other tobacco issues;

-- reimbursement of the Corrections Fund for reductions in current tobacco tax revenues due to lower consumption.

Fewer smokers means less profit for the tobacco industry.

That is why they will spend millions to defeat Proposition 200. Big out-of-state tobacco companies have created "front groups" to give the appearance of local opposition. Don't be fooled. The tobacco companies are paying for the misleading ads opposing Proposition 200.

Who do you trust? Sponsors of Proposition 200 like the American Cancer Society, American Heart Association, Arizona Hospital Association and the Arizona Lung Association . . . or the tobacco industry?

VOTE YES ON PROPOSITION 200.

Hon. Barry M. Goldwater, Chairman
AZ For A Healthy Future
Scottsdale

Betsy Bolding, Treasurer
AZ For A Healthy Future
Tucson

Ben Chaiken, Executive Director
AZ Lung Assn
Phoenix

Matthew G. Madonna, Executive Vice President
American Cancer Society
Tempe

Mike Nizankiewicz, Executive Director
American Heart Assn
Phoenix

John Rivers, President/Chief Executive Officer
AZ Hospital Assn
Scottsdale

ARGUMENT "FOR" PROPOSITION 200

Clarifying Arizona Legislature's Analysis

Some clarification is needed of the Arizona Legislature's analysis of the Tobacco Tax Initiative, which appears in this pamphlet. It is certainly true that if the people say so by voting for this Initiative, the money the state collects from the tobacco taxes will be safe from the Legislature's grasp. Only the citizens of Arizona -- not politicians, lobbyists or special interest groups -- will designate the purposes of these tax dollars. As the Initiative states, the funds will go toward health care for needy children; programs to prevent and reduce tobacco use; and research into prevention and treatment of tobacco-related disease and addiction.

But the legislative analysis makes it appear that there is no oversight at all of the programs funded by tobacco taxes. That is not true. Although the Initiative bypasses the politicians in setting the purposes for tobacco tax dollars, state agencies, as usual, will be charged with seeing that the health care, education and research programs funded by tobacco taxes run responsibly and efficiently.

The Initiative tells the Legislature what the politicians apparently haven't heard when we've said so before: that the health of our state's children, health education and prevention research are critical to the future of our families and our state. This Initiative gives Arizonans the opportunity to wisely set at least a few of our state's neglected priorities.

Your vote for Proposition 200 is a vote for Arizona priorities designated by citizens -- not politicians, lobbyists or special interest groups.

Kathy "K.P." Pelleran, Executive Director Hon. Barry M. Goldwater, Chairman
AZ For A Healthy Future AZ For A Healthy Future
Phoenix Scottsdale

ARGUMENT "FOR" PROPOSITION 200

Nurses Ask Voters to Support Proposition 200

The Arizona Nurses' Association wholeheartedly supports Proposition 200.

Our mission includes advancing the development of professional nurses and the practice of nursing in order to promote health care for the people of Arizona.

Nurses are committed to making significant contributions to the health of all people. We are empowered to provide high quality, cost effective care to our patients.

As health care professionals we care for many patients, but every day we see the most devastating problems associated with tobacco use. Severe heart, lung and cancer problems are prevalent among patients who use tobacco products.

Smoking kills an estimated 435,000 Americans each year -- more than alcohol, heroin, crack, cocaine, automobile

and airplane accidents, homicides, suicides and AIDS combined . According to the Arizona Department of Health Services, in 1991, 6,224 deaths were attributable to smoking-related illness and disease. This was one of every five deaths in Arizona that year. Tobacco is a killer. This early loss of life is its sad reflection for everyone.

We are deeply concerned that children and adolescents nationwide constitute 90 percent of all new smokers with most starting to use the products as young as nine years old.

Getting "hooked" at such a tender age does not give these young people the best chance they deserve for a healthy life. We owe them more.

For these reasons, among others, we support the "Tobacco Tax and Health Care Act." We urge your support for this important health measure.

Your "YES" vote on Proposition 200 is a vote for a healthy Arizona.

Anne McNamara, President	Amy Charette, 2nd Vice President
AZ Nurses' Assn	AZ Nurses' Assn
Phoenix	Phoenix

ARGUMENT "FOR" PROPOSITION 200

The American Cancer Society strives to reduce tobacco use in its dedication to fighting cancer. In addition to aggressive public education and smoking cessation programs, the Society advocates for sound public policy in tobacco control. We cannot win the war against cancer until we win the battle against tobacco.

Tobacco is responsible for 87 percent of all lung cancers and about 30 percent of all cancer deaths. Those who smoke two or more packs of cigarettes a day have lung cancer death rates up to 25 times greater than nonsmokers.

Health experts agree, the price of a pack of cigarettes affects the decision of whether to begin or continue smoking. Higher prices mean fewer smokers, including our young smokers. The Tobacco Tax and Health Care Act is, first and foremost, a public health measure.

Cigarettes and other tobacco products are different from other consumer goods. Tobacco is the only legal product that kills when used as intended. Virtually all new users are children. Tobacco contains nicotine, a highly toxic and addictive substance.

Recent statistics from the U.S. Surgeon General indicate an alarming increase in smoking among children. Even though selling cigarettes to children is illegal, about 3,000 children begin smoking each day. These children are the tobacco industry's target replacements for smokers who either die or quit.

Young people starting to smoke cigarettes is no accident. It is a result of marketing strategies and advertising campaigns specifically aimed at children and adolescents. Tobacco companies spend \$4 billion each year on youth-related advertising designed to promote smoking as sophisticated and sexy. We must stop this deadly attack on our children.

The Tobacco Tax and Health Care Act would dramatically reduce tobacco use in Arizona, and save thousands of lives from cancer.

"Yes" on Proposition 200 will save lives.

Paul Schnur, MD, FACS, President	Dennis Ford, Vice Chairman
American Cancer Society	American Cancer Society
AZ Division, Inc.	AZ Division, Inc.
Scottsdale	Scottsdale

ARGUMENT "FOR" PROPOSITION 200

Many of us associated with Arizona Students Against Driving Drunk (SADD) are not even old enough to vote. That's why we're writing this argument in support of Proposition 200. We want voters to consider our views on this issue and have a positive influence on young people by voting "Yes."

SADD understands the serious connection between smoking and the potential for alcohol abuse among young people. We are concerned because we know that youngsters who smoke are more likely to drink alcohol and use drugs.

Proposition 200 will provide resources to discourage people from smoking or using other tobacco products -- especially young people. The health education component proposed by Proposition 200 has been successful in other states that have passed a tobacco tax increase. Together, the education program and the increased cost have been the major influence prompting a 28% decline of those using tobacco products in one state.

Part of SADD's philosophy is to enhance an individual's confidence in a way that helps him or her make choices that lead to a healthy and productive lifestyle -to provide students with the best prevention and intervention tools

possible to deal with the issues of underage drinking, drunk driving, drug abuse and other destructive decisions like smoking.

Originally, the mission of SADD was to help young people say "No" to drinking and driving. Today, that mission has expanded. And that is why SADD has become a peer leadership organization dedicated to preventing underage drinking and drug use by focusing on the potentially life threatening consequences of destructive decisions involving issues that include smoking.

Proposition 200 will reduce youth consumption of tobacco products through the increase cost of the product and the strong health education program aimed at prevention and intervention.

Vote "YES" on Proposition 200.

Andrea Ullinskey	Daniel Gluck
Student of the Year	Executive Committee Member
AZ Students Against Driving Drunk	AZ Students Against Driving Drunk
Tempe	Phoenix

Arizona For A Healthy Future: Barry M. Goldwater, Chairman

ARGUMENT "FOR" PROPOSITION 200

PTA Supports Proposition 200

In 1926, the PTA took its first official position opposing promotion of tobacco use by America's youth. The Arizona PTA (Congress of Parents and Teachers) is a child advocacy organization committed to promoting the health, welfare and educational opportunities for Arizona children.

A child's ability to receive full benefit of those opportunities depends on their health and well-being. Tobacco, the number one killer in the country, is threatening the health and future of our children. It's time we do something about it.

The tobacco industry is recruiting 3000 young people a day into a highly addictive and deadly habit. Cigarettes are a "gateway drug" to alcohol and substance abuse - young people who smoke are 15 times more likely to get involved with illicit narcotic drugs. The problem for children, parents and educators doesn't stop there. Of high school seniors maintaining a "D" average, 47 percent use tobacco products daily; of the group holding an "A" average, only 7 percent smoke.

While creating an opportunity to present a positive health education program about the dangers of tobacco use, Proposition 200 will give parents a chance to fight the tobacco industry's advertising campaign that seduces our children into smoking.

Proposition 200's health education program will discourage young people from getting involved with cigarettes and other tobacco products.

Additionally, Proposition 200 will fund health care for children, many of whom are victims of asthma and respiratory problems complicated by second hand smoke. Keeping our children healthy and tobacco free from day one will reduce health care costs and keep healthy kids in school.

Proposition 200 discourages our children from picking up the deadly habit of tobacco use before they're tempted to start. Please join the Arizona PTA Board of Managers in voting "YES" on Proposition 200.

Jeanette K. Weis, President	Sheri Feeley-Pabst, Legislative Chairman
AZ PTA	AZ PTA
Glendale	Glendale

Arizona For A Healthy Future: Barry M. Goldwater, Chairman

ARGUMENT "FOR" PROPOSITION 200

Children and youth are exposed to, and many times pressured into, smoking. By advertising, peer pressure and societal norms, children and youth experiment with smoking in the mistaken belief it will make them more alluring, more acceptable, more competitive -- cool. Not yet habituated, certainly not addicted, children and youth continue to smoke despite its noxiousness.

Educating children and youth in their formative stages is vital if tobacco addiction is to be curtailed in Arizona. They must be inculcated with the realization that smoking is not a societal norm; that advertising depicting smoking is pernicious and that the risks of becoming addicted to tobacco products are great. For the last thirty-plus

years, scientists throughout the world have categorically linked smoking to emphysema, lung cancer, heart disease and many other disabling and lethal diseases.

The Tobacco Tax and Health Care Act, upon passage, will create a source of funds which will allow for the development of educational materials that will motivate children and youth to resist becoming tobacco addicts. These materials will be specific to age groups, to classroom settings, to recreational settings and to homes. The educational process must be of a sustained nature. It cannot be merely launched in one year and then retired, but must be continued for years to come -- virtually following the children from the years when they are most impressionable to when their reasoning and logic prevails. Utilizing this approach, which can only be done upon the passage of the Tobacco Tax and Health Care Act, will indeed assure a healthy future for Arizonans now and in the years to come.

Education works. It's a powerful force. Arizona voters will assure the health of their children and their children's children with the passage of the Tobacco Tax and Health Care Act.

William C. Weese, M.D. Christopher Nicholls, PhD.

Executive Committee Executive Committee

AZ Lung Assn AZ Lung Assn

Phoenix Phoenix

ARGUMENT "FOR" PROPOSITION 200

Nearly everyone has lost a loved one or friend to lung cancer, emphysema or other tobacco-induced illness. As health care providers, we see the sickness and pain caused by tobacco use every day. We are well aware of the tremendous emotional and economic burdens that tobacco use imposes on individuals and society.

Proposition 200, the "Tobacco Tax and Health Care Act," will raise Arizona's tobacco tax, which is currently one of the lowest in the country. The Arizona Hospital Association supports Proposition 200 because it will improve public health and save lives by discouraging tobacco use, especially among young people.

According to the Arizona Department of Health Services, the economic costs attributable to smoking in our state are estimated to be more than \$810 million annually, including \$263 million in health care costs to treat smoking-related disease and illnesses. Proposition 200 will decrease tobacco consumption and reduce health care and other costs associated with its use.

Revenues generated from Proposition 200's tobacco tax increase will provide funding for important programs, including education for the prevention and reduction of tobacco use, and research on tobacco-related disease and addiction.

In addition, revenues raised from Proposition 200 will be used to supplement current funding available for health care services for low-income children and the uninsured through the Arizona Health Care Cost Containment System. These funds may be used to expand access to health care services for medically needy and indigent persons, especially those who fall victim to catastrophic illness or injury. These funds could also be used to directly improve public health through preventive health care programs such as child immunization programs and prenatal care programs.

We urge you to join the health care community in voting "YES" on Proposition 200.

Robert A. Rundio	Tim Tracy, R.N.
1994-95 Chairman	Board Member
AZ Hospital Assn	AZ Hospital Assn
Administrator	Senior Vice President and Chief Operating Officer
Valley Lutheran Hospital	John C. Lincoln Hospital and Health Center
Phoenix	Chandler

ARGUMENT "FOR" PROPOSITION 200

Protect the Hearts of our Children and Arizona

Vote "YES" on Proposition 200

The American Heart Association, Arizona Affiliate's mission is "to reduce disability and death from cardiovascular diseases and stroke." Cigarette smoking is a major cause of heart and blood vessel disease.

More than 400,000 deaths in the United States every year result from smoking. About 200,000 are due to cardiovascular diseases.

The earlier a person starts smoking, the greater the risk to his or her health in the future. To young people, the risk of heart attack, stroke and other cardiovascular diseases later in life seems remote -- they are thinking about other things like school, dating, sports, a first job or a first car. What they don't realize is that as they continue to use tobacco products, they can develop heart disease, chronic lung disease and cancer. Often, people don't realize that much of the prolonged cigarette smoking or tobacco use can create damage that may be irreversible once they realize they're having health problems.

People who smoke a pack of cigarettes a day have more than twice the risk of heart attack of people who have never smoked. The more a person smokes, the greater the risk -- and they have less chance of surviving a heart attack and other heart diseases than a non-smoker.

Educating children and young people -- as well as the general population -- on the health risks of tobacco use can protect our children and save people from tobacco-caused death at an early age.

That is why the American Heart Association, Arizona Affiliate supports Proposition 200 and urges you to vote "YES."

Mike Nizankiewicz	Samuel Butman, M.D.
Executive Director	President-Elect
American Heart Assn	American Heart Assn
Phoenix	Tucson

ARGUMENT "FOR" PROPOSITION 200

Consumers Support Tobacco Tax

The tobacco industry profits while consumers pick up the tab.

Consumers lose when the tobacco industry takes a tax write-off for advertising costs of luring new smokers -- that's \$4 billion each year. This excessive advertising for cigarettes and promotions makes cigarettes the second most heavily advertised product in the United States.

A recent survey showed that 94 percent of Arizonans believe tobacco companies are more concerned about profits than about people's health.

When RJ Reynolds decided to update the image of its Camel cigarette brand, it introduced a multimedia advertising campaign that features a cartoon character. According to the Journal of the American Medical Association, since this new strategy was implemented, Camel's share of the illegal children's cigarette market segment has increased from 0.5 percent to 32.8 percent -- representing sales estimated at \$476 million per year.

In addition to subsidizing the tobacco industry, consumers across the board subsidize the societal and health care costs of tobacco users.

The economic implications associated with smoking cost every man, woman and child in Arizona \$215 a year -- approximately \$810 annually.

An increase in the state excise tax on tobacco products lets tobacco users pay fairly for their use of the product.

The added cost and the health education program established by Proposition 200 will result in decreased tobacco consumption throughout the general public --especially among young people. In states that have already adopted such programs, we have seen a decline in tobacco use -- a 28 percent reduction in one state alone. These programs overall have improved public health and can have the same effect in Arizona.

The "Tobacco Tax and Health Care Act" is good for Arizona -- it's children, consumers, workers and businesses alike.

Please, vote "YES" on Proposition 200.

Phyllis Rowe, President	Joe Ritter, Secretary/Treasurer
AZ Consumers Council	AZ Consumers Council
Phoenix	Phoenix

ARGUMENT "FOR" PROPOSITION 200

Proposition 200: Good for Business, Good for Workers

Proposition 200 makes good economic sense by discouraging smoking -- a habit that not only kills but takes its toll on our pocketbooks.

By increasing the tax on tobacco, Proposition 200 lets smokers pay a fairer share for their costly habit. At the same

time, it makes a long-term investment in a positive health education program for children and others about the dangers of smoking.

Proposition 200 will help businesses keep more of their cash flow out of the "expenditure" column. The Business Journal said, "Tobacco use costs the state nearly \$300 million a year in direct health care expenditures. Much of that falls to businesses, which pay most of the health care premiums. If the tax will reduce smoking and costs in health care, we're for it."

A business can save \$345 annually for the first three years after an employee quits smoking. Employers continue to save \$224 annually for several years after that. These savings result from lower health care costs, less sick leave and more productivity. (Lost productivity due to smoking-related absenteeism and disability costs businesses \$47 billion annually.)

Businesses who invest in worker wellness programs know that discouraging smoking saves them money. Some businesses even offer rewards in the form of reduced monthly health insurance premiums to employees who quit smoking. Businesses and workers both win.

Proposition 200 will also stimulate economic development. As people stop smoking, they'll spend their money on other goods and services in communities, thus creating jobs.

"YES" on Proposition 200 is a vote for the future health of Arizona's businesses and workers . . . and a vote for Arizona's most precious resource: our children.

Tim Terhaar, Owner	Lisa Terhaar, Owner
Frederick Fisher Jewelers	Frederick Fisher Jewelers
Member, Flagstaff Chamber of Commerce	Member, Flagstaff Chamber of Commerce
Flagstaff	Flagstaff

Arizona For A Healthy Future: Barry M. Goldwater, Chairman

ARGUMENT "AGAINST" PROPOSITION 200

We urge Arizona voters to vote NO on the so-called Tobacco Tax and Health Care initiative because:

- It establishes the dangerous precedent of a special interest group -- the hospitals -- creating a new tax as a direct subsidy without taxpayer accountability;
- It lets hospitals spend taxpayers' money with no accountability to any elected officials or the taxpayers;
- It's not about keeping kids from smoking; in fact, not one penny is guaranteed to be spent educating kids about tobacco;
- It's not about health care for the indigent; in fact, it funnels \$63 million through AHCCCS directly back to the hospitals that are sponsoring this initiative;
- It's a blatant attempt to deceive voters, bypass elected officials and grab taxpayer money to pad hospital profits.

Gene Duhon, Chairman	Jess Finerman, Treasurer
No More Taxes	No More Taxes
Phoenix	Phoenix

ARGUMENT "AGAINST" PROPOSITION 200

We urge voters to reject this initiative by voting NO.

This is a tax issue. This initiative will raise taxes to expand government, leaving Arizonans with less money in their pockets. When state government takes more of our money, we spend less and the economy suffers.

This initiative lacks accountability over the \$90 million a year it will raise. It removes the legislature from any oversight role with no recourse for waste or fraudulent spending.

It takes away any oversight by the Arizona Legislature. The likelihood of unverifiable and unchecked waste and even fraud is all too obvious.

If that isn't bad enough, the initiative appears to mandate that the Arizona Legislature can never cut the budgets of AHCCCS or the Department of Health Services, no matter how wasteful, or bloated. No wonder the Hospital Association which will be the beneficiary of this government largess favors the tax increase.

Sydney Hoff Hay, President	Tracy Thomas, Chairman
The Lincoln Caucus	The Lincoln Caucus
Scottsdale	Paradise Valley

ARGUMENT "AGAINST" PROPOSITION 200

I urge you to vote NO on the Tobacco Tax and Health Care Initiative because it circumvents the normal legislative appropriations process whereby they would have to justify the funds they receive. And it also thwarts the will of the people who passed the "It's TIME!" initiative, the 2/3rds majority requirement for tax increases.

Arizonans are already overtaxed. The average Arizonan will work the first 122 days of the year to pay all federal, state and local taxes; 33.3% of your income already goes to pay taxes. If this new tax is passed, it will remove \$90 million in discretionary income from consumers.

For the first time in Arizona history, a special interest group -- the hospitals -- have taken it upon themselves to create a new tax that directly subsidizes their own profits and creates a dangerous precedent.

In addition, this would only exacerbate an existing problem -- by adding to the already-explosive growth in social welfare spending in Arizona.

Further, this initiative totally lacks accountability. Exactly how this \$90 million in new taxes is to be spent is never spelled out in this initiative. Two key paragraphs, in which 93% of the money is earmarked, contain the language, "including, but not limited to" in defining how the money will be spent. That translates into, "We'll spend the money however we want." You can count on it.

I urge you to vote NO.

Gary Giordano, President
AZ Federation of Taxpayers
New River

BALLOT FORMAT

PROPOSITION 200	
PROPOSED BY INITIATIVE PETITION	
<u>OFFICIAL TITLE</u> AMENDING TITLE 42, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLES 1.2 AND 1.3; RELATING TO TOBACCO TAXES TO PROVIDE FOR HEALTH CARE SERVICES FOR THE MEDICALLY NEEDY, MEDICALLY INDIGENT AND LOW INCOME CHILDREN, TOBACCO RELATED EDUCATION AND RESEARCH AND ADJUSTMENT TO CORRECTIONS FUND, USE OF TAX MONIES TO SUPPLEMENT EXISTING FUNDS AND LEVELS OF SERVICE, TOBACCO TAX LEVY ON INDIAN RESERVATIONS AND RELATED EXEMPTIONS; AND PROVIDING FOR SEVERABILITY.	
<u>DESCRIPTIVE TITLE</u> AN ACT REQUIRING AN INCREASE IN STATE TAX ON CIGARETTES, CIGARS AND OTHER TOBACCO PRODUCTS, INCLUDING THOSE SOLD ON INDIAN RESERVATIONS, EXEMPTING THOSE SOLD TO ENROLLED MEMBERS OF THE INDIAN TRIBE, TO PROVIDE HEALTH CARE FOR THE MEDICALLY INDIGENT, MEDICALLY NEEDY OR LOW INCOME CHILDREN, TOBACCO RELATED EDUCATION AND RESEARCH.	
PROPOSITION 200	
A "yes" vote shall have the effect of increasing the state tax on cigarettes, cigars and other tobacco products to provide for health care for the medically indigent, medically needy or low income children, tobacco related education and research.	YES →
A "no" vote shall have the effect of not increasing the state tax on cigarettes, cigars and other tobacco products.	NO →

PROPOSITION 201

OFFICIAL TITLE

AN INITIATIVE MEASURE

RELATING TO GAME AND FISH: DEFINING UNLAWFUL METHODS OF TAKING WILDLIFE; AND ADDING SECTION 17-301 (D) TO ARIZONA REVISED STATUTES TO DEFINE LAWFUL METHODS OF TAKING OR HANDLING WILDLIFE, SPECIFICALLY BANNING CERTAIN DEVICES, ALLOWING THE USE OF FIREARMS AND IMPLEMENTS IN HAND AND ALLOWING CERTAIN TAKING AND RELOCATION METHODS AND DEVICES.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of Arizona:

The following amendments, amending Section 17-301, Arizona Revised Statutes, by the addition of new paragraph 17-301 (D) are proposed to become valid when approved by a majority of the qualified electors of the State of Arizona voting thereon and proclamation pursuant thereto by the Governor of the State of Arizona.

17-301.

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D.

(1) IT SHALL BE UNLAWFUL TO TAKE WILDLIFE WITH ANY LEGHOLD TRAP, ANY INSTANT KILL BODY GRIPPING DESIGN TRAP, OR BY A POISON OR A SNARE ON ANY PUBLIC LAND, INCLUDING STATE OWNED OR STATE LEASED LAND, LANDS ADMINISTERED BY THE UNITED STATES FOREST SERVICE, THE FEDERAL BUREAU OF LAND MANAGEMENT, THE NATIONAL PARK SERVICE, THE UNITED STATES DEPARTMENT OF DEFENSE, THE STATE PARKS BOARD AND ANY COUNTY OR MUNICIPALITY.

(2) SECTION 17-301 (D) (1) ABOVE SHALL NOT PROHIBIT:

(a) THE USE OF THE DEVICES REFERENCED ABOVE BY FEDERAL, STATE, COUNTY, CITY, OR OTHER LOCAL DEPARTMENTS OF HEALTH WHICH HAVE JURISDICTION IN THE GEOGRAPHIC AREA OF SUCH USE, FOR THE PURPOSE OF PROTECTION FROM OR SURVEILLANCE FOR THREATS TO HUMAN HEALTH OR SAFETY.

(b) THE TAKING OF WILDLIFE WITH FIREARMS, WITH FISHING EQUIPMENT, WITH ARCHERY EQUIPMENT, OR OTHER IMPLEMENTS IN HAND AS MAY BE DEFINED OR REGULATED BY THE ARIZONA GAME AND FISH COMMISSION, INCLUDING BUT NOT LIMITED TO THE TAKING OF WILDLIFE PURSUANT TO A HUNTING OR FISHING LICENSE ISSUED BY THE ARIZONA GAME AND FISH DEPARTMENT.

(c) THE USE OF SNARES, TRAPS NOT DESIGNED TO KILL, OR NETS TO TAKE WILDLIFE FOR SCIENTIFIC RESEARCH PROJECTS, FALCONRY, OR FOR RELOCATION OF THE WILDLIFE AS MAY BE DEFINED OR REGULATED BY THE ARIZONA GAME AND FISH COMMISSION AND OR THE GOVERNMENT OF THE UNITED STATES.

(d) THE USE OF POISONS OR NETS BY THE ARIZONA GAME AND FISH DEPARTMENT TO TAKE OR MANAGE AQUATIC WILDLIFE AS DETERMINED AND REGULATED BY THE ARIZONA GAME AND FISH COMMISSION.

(e) THE USE OF TRAPS FOR RODENT CONTROL OR POISONS FOR RODENT CONTROL FOR THE PURPOSE OF CONTROLLING WILD AND DOMESTIC RODENTS AS OTHERWISE ALLOWED BY THE LAWS OF THE STATE OF ARIZONA, EXCLUDING ANY FURBEARERS AS DEFINED IN A.R.S. 17-101, B(5).

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

Proposition 201 would make it illegal to use certain methods of taking "wildlife" on public land, including federal, state, county and municipal land. The listed devices that would be prohibited are "any leghold trap, any instant kill body gripping design trap, or by a poison or a snare". This proposition would not prohibit:

1. The use of a prohibited device by a governmental health department for health and safety protection and surveillance.
2. Legal hunting or fishing with authorized weapons, fishing equipment or other "implements in hand".
3. Falconry.
4. Using snares, traps that are not designed to kill and nets for scientific research or regulated wildlife relocation.
5. Using poisons and nets for regulated aquatic wildlife management.
6. Using traps and poisons to control non-furbearing rodents.

Arizona law defines the term "wildlife" as all wild mammals, wild birds and their nests and eggs, reptiles, amphibians, mollusks, crustaceans and fish, including their eggs and spawn. (ARS section 17-101.)

These restrictions and conditions would not apply to activities on private property.

ARGUMENT "FOR" PROPOSITION 201

Proposition 201 is an easy to read, easy to understand, narrowly defined citizen's initiative created for the sole purpose of banning, finally, the use of cruel and indiscriminate trapping devices on public lands.

Proposition 201 will NOT affect hunting and fishing. The rights of hunters and fishers are clearly and specifically protected by this initiative. It does not apply to private land and it continues to allow for trapping when it is for the purpose of protecting human health and safety, controlling rodent populations, and wildlife research and relocation programs.

Proposition 201 will, however, stop the commercial exploitation of furbearers who are cruelly killed in response to the market value of their fur. Arizona does not allow commercial fishing or commercial hunting on public lands and we believe it is now time to stop the commercial trapping of fur bearing animals on our lands.

Traps, especially leghold traps, are particularly cruel, resulting in animals being left to struggle and starve for days. These hidden devices cannot distinguish between their intended target and their accidental victims, like fawns, eagles, family pets, even children and adults who have been injured by these traps.

And finally, it should not be our responsibility to provide the raw materials for the powerful east coast fur industry at the expense of wildlife diversity on our land.

Arizona's public lands are used for a wide variety of purposes that can benefit us all. But we believe that use should be specific and humane, not indiscriminate and cruel.

Please join us and vote YES on Proposition 201.

Janet Evans, Chairperson
Help Abolish Leghold Traps
Phoenix

ARGUMENT "FOR" PROPOSITION 201

Since 1976, nearly one million animals have died slow deaths in leghold traps in Arizona. Roughly half of all foxes, bobcats, coyotes and other wildlife suffered broken legs and shattered teeth in trying to escape. Many animals are caught unintentionally, making leghold traps a leading cause of death for bald eagles. One Arizona Game and Fish Department study estimated that more than 600 dogs are caught annually, plus an undetermined number of cats, deer, javelina and other "non-target" species. Some studies have shown that twice as many "innocent bystanders" such as pets and eagles are killed as the target species of furbearers.

As shown by the language of Prop. 201, banning traps in Arizona will not affect hunters, fishermen, scientists, game managers, or public health officials. All control methods now in use to control disease outbreaks such as plague and rabies will still be allowed all over the state. Traps will not be banned on private land, and it will remain legal to trap rodents anywhere.

State and federal taxpayers spent \$600,000 for predator control in 1990, more than ten times larger than the reported livestock losses for the entire state. Traps do little to control livestock losses to predators such as the coyote and mountain lion. The few ranchers who have losses are the same individuals, year after year.

Tax-supported killing of public wildlife only encourages ranchers to delay the use of better animal husbandry methods. Better herding and keeping very young calves out of lion habitat, for example, are proven methods of lowering livestock losses while still allowing wildlife to survive on our public lands.

Please vote yes on Prop. 201.

Steve Johnson

Tucson

Help Abolish Leghold Traps: Janet Evans, Chairperson

ARGUMENT "FOR" PROPOSITION 201

Capturing wildlife with leghold traps is the most inhumane treatment of animals legally practiced in the United States. Public opinion polls conducted over the past twenty years indicate that a large majority of Americans strongly oppose the use of these traps.

Several states and 68 countries have banned the leghold trap. Many of these countries, like Great Britain where the steel-jaw trap was banned in 1958, have had bans in place for many years. No adverse effects have been reported as a result of these trapping bans. In fact, Europe has been able to successfully deal with epidemics of rabies by pioneering the use of vaccine baits for wildlife. The U.S. is several years behind Europe in research and application of this technique because of our reliance on ineffective methods like trapping to control wildlife diseases. Trapping not only fails to control rabies, but in some cases, it may increase the spread of the disease.

As of 1995, the European Economic Community will ban the importation of furs from countries, including the U.S., which still allow the use of inhumane devices to capture furbearing animals.

There is no "humane" version of the leghold trap. The trap currently approved for use in Arizona was recently described as "causing injury to many animals" by a Massachusetts Superior Court. The leghold trap is a barbaric device, virtually unchanged since it was first used in the early 1800s.

It's time Arizonans put an end to the cruel and unsafe practice of trapping on our public lands. Vote "Yes" on Proposition 201.

Barbara Goethe, President Dena Jones Jolma, Vice President

AZ Lobby For Animals AZ Lobby For Animals

Phoenix Phoenix

ARGUMENT "FOR" PROPOSITION 201

We are reluctant experts on animal suffering. As veterinarians, in private practice, we see more than enough pain and fear to recognize it when we see it. We believe mammals feel as we feel, suffer as we suffer. Leghold traps hurt, leghold traps cause suffering, leghold traps cause fear.

We are also involuntary witnesses to the non-selectivity of leghold traps. The area around us is largely national forest. We have no sheep here and few cattle. Six dogs have been delivered to Mile Hi Animal Hospital from traps. Three needed and survived entire limb amputations. Those dogs were not targets, they were mistakes. The Prescott Animal Control Officers have had to put ten dogs mangled by traps out of their misery. Kachina Animal Hospital, in Dewey, treats two or three trap victims each year.

One of us came from Montana where trapping has clearly failed to alter predation of coyotes on sheep. What has worked is selective shooting, predator behavior control and allowing a natural balance to sort out the predator prey populations. Traps are not needed.

Trapping is a monster way of life in which hurting and senseless killing are normal. As a livelihood trapping is mean and shameful. Ban it on our public land, please. We urge you to vote "Yes" on Proposition 201.

Richard H. Fisher, DVM Sandra D. Rogers, DVM

Mile Hi Animal Hospital Mile Hi Animal Hospital

Prescott Prescott

Sally Cheek, DVM John R. Underwood, Jr., DVM

Kachina Animal Hospital Kachina Animal Hospital

Dewey Dewey

ARGUMENT "FOR" PROPOSITION 201

Trapping is by its very nature a CRUEL activity. It is wholly unnecessary and outdated in a modern society. If animals have to be captured or killed for some specific purpose, then there are substantially more effective, efficient, and less painful means than trapping. The costs of trapping are substantially greater than the small amounts of money that trapping activity generates. Your taxes pay to support and manage this cruel activity. Your money

should not be misspent in this manner.

Trapping is NON-SELECTIVE . Traps not only catch and maim the beautiful wildlife of this state (bears, mountain lions, bob cats), but is equally likely to capture your pet dog or cat or your child. Every year domestic animals, human beings, and non-target wildlife are severely hurt or killed by such traps.

Trapping is TORTURE . Animals are left with their skin ripped open and bones broken in a trap for extended periods of time. They are left without food or water of any sort. They are left wholly exposed to the summer sun or winter freeze. Your vote will either end the needless suffering of the animals that we all own and treasure, or your vote will be responsible for continuing such torture in Arizona. It is you who have the power to make the decision and safeguard the wildlife, pets and children of this state from needless suffering. There is simply no good reason for these medieval cruel practices to be allowed to continue in our state.

The Arizona Society for Prevention of Cruelty to Animals asks for your vote to eliminate these cruel practices and protect our wildlife, pets and people on our public lands.

Betsey Westell, President

Treva Slote, ECO

AZ Society for Prevention of Cruelty to Animals, Inc. AZ Society for Prevention of Cruelty to Animals, Inc.
Phoenix Phoenix

ARGUMENT "FOR" PROPOSITION 201

I am a former trapper of many years and I support Prop. 201 which would ban trapping on public lands in Arizona. In addition to being an inhumane method of harvesting animals, it is highly non-selective. There is limited control of targeting which species are caught. Most animals caught in traps are too damaged to survive if set loose. Rare species (including raptors in bait sets) and pets are frequently caught. Many animals caught in traps know their legs off when their circulation is reduced from trap position or freezing.

Trapping is an archaic form of animal harvest and should be eliminated. I urge you to vote YES on Prop. 201.

Jim Notestine
Sonoita

ARGUMENT "FOR" PROPOSITION 201

Help Abolish Leghold Traps, or HALT, was formed to eliminate the use of leghold traps, snares (both foot and neck types), and poisons on public lands in Arizona. Wildlife Damage Review supports such a goal. We are a group of citizens who came together to bring public scrutiny to the Animal Damage Control (ADC) agency which routinely sets out traps, snares and poisons on public lands to kill native wildlife for the benefit of the livestock industry. We believe these practices are unnecessary, harmful to wildlife, and dangerous to the public.

Ranchers can protect their livestock using many alternative methods and better husbandry practices such as guarding dogs, moving herds out of prime predator habitat during lambing or calving, and hiring herders. But as long as tax payers provide ADC's services, amounting to over \$35 million annually, to the ranchers for free, the indiscriminate killing will continue.

A 1991 survey by the U.S. Department of Agriculture found that predators caused only 2.4% of cattle and calf losses nationwide. Bad weather, calving, disease, theft, and poisons all resulted in more cattle deaths than predators caused.

Trapping and snaring are not legitimate wildlife "management" tools. There are better ways. Poisoning of any kind on public lands is not acceptable to Americans who value natural ecosystems and appreciate how they function. Our needs do not conflict with nature, but are a part of it, and we can utilize the principles of natural functions, biology, along with common sense to solve our problems.

Wildlife Damage Review urges you to read Proposition 201 carefully and vote "yes" for wildlife.

Nancy Zierenberg, Vice President Marian Baker Gierlach, Secretary
Wildlife Damage Review Wildlife Damage Review
Tucson Tucson

ARGUMENT "FOR" PROPOSITION 201

We are an organization of men and women, hunters and fishermen who are appalled and disgusted by the use of leghold traps, wire snares and poisoned bait on our wildlife. The prolonged suffering caused by these devices

should be offensive to anyone who call themselves sportsmen.

Our members are conservationists who support hunting and fishing rights. We agree that controlled hunting and fishing help restore the delicate balance of nature. As such, recreational hunting and fishing play an important part in wildlife management.

On the other hand, leghold traps, wire snares and poisoned baits are often indiscriminate and non-selective. Frequently the animal caught is not the target animal, traps don't care about the age, sex or species they capture. And, as many bird hunters know from experience, traps can pose a real threat to a valuable hunting dog.

Our members strongly endorse prop 201. This time the wording is clear and specific. Hunting, fishing, and many other legitimate sporting activities are specifically excluded and would not be affected in any way. There is no "policy statement." The wording simply couldn't be clearer. Read it for yourself. Then vote yes on Prop 201.

Rod Mondt, Director, HUFEE Hunters and Fishers for an Environmental Ethic Tucson	Peter Gierlach, Director, HUFEE Hunters and Fishers for an Environmental Ethic Tucson
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Help Abolish Leghold Traps: Janet Evans, Chairperson

ARGUMENT "FOR" PROPOSITION 201

As veterinarians, we deal with animal suffering every day. Leghold traps cause great pain and anxiety to the animals caught in them. These animals suffer and often die from exhaustion, starvation, dehydration, and attack by other animals. Sometimes animals chew off their own limbs to escape.

Traps are indiscriminate; they don't just catch furbearing animals. Other animals, including pets, can be caught. Trap injuries may require that a digit, a foot, or an entire limb be amputated. Small birds and mammals usually die or must be destroyed because of disabling injuries.

During this past year, several professional veterinary societies took official positions critical of trapping. The American Veterinary Medical Association, the Arizona Veterinary Medical Association, and the World Veterinary Association have all endorsed statements proclaiming the steel-jaw leghold trap to be "inhumane."

All forms of the leghold trap are nonselective and cause injuries to animals. There is no such thing as a humane leghold trap.

Trapping is an unnecessary and inherently cruel practice. It is a threat to our wildlife and pets and should be banned from public lands in our state. We urge you to vote "Yes" on Proposition 201.

Candy D. Burton Tucson	Andrew J. Carlton Tucson
Randall J. Eberhard Tucson	M. K. Klein Tucson
Rocco E. Mele, DVM Tucson	Ronald L. Sigler, DVM Phoenix
Roger C. Penwick, VMD Tucson	Howard Littman Scottsdale
Barbara L. Swahlen, DVM Tucson	Jean Arnold, DVM Scottsdale
Janet M. Forrer, DVM Tucson	Diana L. Droste, DVM Phoenix

Help Abolish Leghold Traps: Janet Evans, Chairperson

ARGUMENT "FOR" PROPOSITION 201

The Arizona Animal Welfare League endorses the initiative prohibiting the use of leghold traps, body gripping instant killing traps, snares and poisons used to kill or capture wildlife on Arizona public lands. This initiative does not infringe on the rights of either the hunter or the fisherman, but does infringe on the rights of our wild life and our pets to humane treatment. Any of these methods of killing can result in an animal suffering excruciating pain and/or starvation before death. Too, the present law permitting the use of such traps prohibits anyone from removing or rescuing an animal caught in one of these traps, including your pet, except the owner of the trap.

Many members of our League are members of the NRA, are hunters and fishermen and will vote YES when this proposition comes before them. We are asking you to please give Prop 201, your careful consideration, and also VOTE YES.

Stevia Slaughter, President

The AZ Animal Welfare League, Inc. Hope Archibald, Recording Sec. The AZ Animal Welfare League, Inc.
Scottsdale Scottsdale
Scottsdale

ARGUMENT "FOR" PROPOSITION 201

Our family dog has been caught twice in a leg hold trap on Arizona's public lands. I have seen first hand just how cruel and indiscriminate leg hold traps are and how frequently they can be encountered while hiking. The first time our dog was caught I had no idea how to release our pet from the trap. Since these dangerous devices are left unattended there was no trapper around to help me. Our dog became hysterical, and in her panic she bit me several times. The second encounter with a trap resulted in yet another injury, a difficult and long walk home, another trip to the vet with surgery to repair her paw. As bad as our experience was, I am still thankful that the creature the trapper was targeting was spared this terrible ordeal. There would be no rescue for this wild creature, no trip to the vet to heal her wounds and no escape. Just a slow, agonizing wait for a lonely, undeserving, and unjustified death.

Anne Coe

Apache Junction

Help Abolish Leghold Traps: Janet Evans, Chairperson

ARGUMENT "FOR" PROPOSITION 201

The Rincon Group of the Sierra Club urges voters to support the initiative banning leghold traps on public lands. This initiative is not a hunting, fishing, or private property rights issue. This initiative is a public lands issue.

Public lands are administered by the state for the benefit of the public and for the enhancement of the resources on those lands. The purpose of this initiative is to protect the public and wildlife on public lands. Leghold traps are notoriously indiscriminate. They cannot select who or what is entrapped. Leghold traps pose a direct threat to individuals using public lands, their children and their pets. Protecting public uses of state lands is far more important than protecting purely private interests.

In addition, wildlife resources must be protected on public lands. The vast majority of animals caught in leghold traps are non-target animals, such as rabbits, porcupines, deer, squirrels, and a large variety of birds, including such endangered species as the bald eagle. Even sheep are often caught in traps. The total impact of trapping on Arizona wildlife may never be known since trappers are not required to report non-target animals.

Public lands trapping does not benefit the public. It benefits a small group of individuals, fewer than 200, who do not rely on trapping for their livelihood. Trapping is a cruel and unnecessary hobby. Trapping on public lands for predator control is an unnecessary subsidy for public lands ranchers. Other effective, humane methods of predator control exist. A rancher concerned with predators need only move his/her stock to private lands during breeding season. This initiative does not abolish trapping or predator control on private lands.

Vote to protect your use of your land. Vote to ban leghold traps on public lands.

Richard W. McKee

Conservation Chair

Rincon Group, Sierra Club

Tucson

ARGUMENT "AGAINST" PROPOSITION 201

Arizona's 7,800 family farmers and ranchers would be severely crippled by Prop 201. Arizona's farmers and ranchers are stewards of the land, preserving vast amounts of open space and natural resources, as well as an irreplaceable part of our heritage. At the same time, these small business people produce wholesome and affordable food for all of us.

Farmers and ranchers produce \$2.1 billion of agricultural products which contribute \$6.2 billion to our state's economy. Their ability to protect this production from predators and pests would be eliminated if Prop 201 should pass.

The Arizona Farm Bureau says farmers lose nearly \$1.5 million dollars to predators annually - with a direct cost to

consumers of \$2.5 million by the time their produce arrives at the checkout lanes in your grocery store! If Prop 201 should pass, these costs would skyrocket!

Worse, The Arizona Cattlemen's Association says ranchers' loss of livestock to predators tops \$8,260,000 per year in Arizona. The direct cost to consumers is a whopping \$21 million! Again, without the tools to control predators, Prop 201 cost to consumers of meat could exceed \$50 million annually!

Additionally, the problems created by Prop 201 where jurisdictional boundaries change every square mile between public and private lands, will be costly upon the already overburdened taxpayer, and will create a management nightmare for land management agencies and private property owners.

Arizona's agricultural industry urges you to vote NO on Proposition 201.

Ken Evans, President	Walter Armer, Jr., President
AZ Farm Bureau Federation	AZ Cattlemen's Assn
Yuma	Benson
Andy Kurtz, Executive Secretary	Sandra Eastlake
and Administrative Officer	Executive Vice President
AZ Farm Bureau Federation	AZ Cattlemen's Assn
Phoenix	Phoenix

BALLOT FORMAT

PROPOSITION 201	
PROPOSED BY INITIATIVE PETITION	
<u>OFFICIAL TITLE</u> RELATING TO GAME AND FISH: DEFINING UNLAWFUL METHODS OF TAKING WILDLIFE; AND ADDING SECTION 17-301 (D) TO ARIZONA REVISED STATUTES TO DEFINE LAWFUL METHODS OF TAKING OR HANDLING WILDLIFE, SPECIFICALLY BANNING CERTAIN DEVICES, ALLOWING THE USE OF FIREARMS AND IMPLEMENTS IN HAND AND ALLOWING CERTAIN TAKING AND RELOCATION METHODS AND DEVICES.	
<u>DESCRIPTIVE TITLE</u> AN ACT PROHIBITING THE USE OF LEGHOLD TRAPS, INSTANT KILL BODY GRIPPING TRAPS, POISONS OR SNARES TO TAKE WILDLIFE ON ANY PUBLIC LAND, BUT NOT AFFECTING HUNTING AND FISHING. SUCH AFOREMENTIONED DEVICES COULD BE USED FOR HEALTH OR SAFETY, SCIENTIFIC RESEARCH, WILDLIFE RELOCATION OR RODENT CONTROL.	
PROPOSITION 201	
A "yes" vote shall have the effect of prohibiting the use of specific traps, poisons or snares to take wildlife on public land without affecting hunting and fishing.	YES ➡
A "no" vote shall have the effect of allowing the use of traps, poisons or snares to take wildlife on public land.	NO ➡

PROPOSITION 300

OFFICIAL TITLE

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

ORDERING THE SUBMISSION TO THE PEOPLE OF AN ACT AMENDING TITLE 37, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLES 2.1; AMENDING SECTIONS 37-231 AND 37-604, ARIZONA REVISED STATUTES; AMENDING TITLE 37, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 37-261; RELATING TO STATE LANDS.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 37, chapter 2, Arizona Revised Statutes, is amended by adding article 2.1, to read:

ARTICLE 2.1. PRIVATE PROPERTY RIGHTS PROTECTION

37-220. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CONSTITUTIONAL TAKING" OR "TAKING" MEANS DUE TO A GOVERNMENTAL ACTION PRIVATE PROPERTY IS TAKEN SUCH THAT COMPENSATION TO THE OWNER OF THAT PROPERTY IS REQUIRED BY EITHER:
 - (a) THE FIFTH OR FOURTEENTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.
 - (b) ARTICLE II, SECTION 17 OF THE CONSTITUTION OF ARIZONA.
2. "GOVERNMENTAL ACTION" OR "ACTION":
 - (a) MEANS:
 - (i) PROPOSED RULES AND EMERGENCY RULES BY A STATE AGENCY THAT IF ADOPTED AND ENFORCED MAY LIMIT THE USE OF PRIVATE PROPERTY.
 - (ii) PROPOSED OR IMPLEMENTED LICENSING OR PERMITTING CONDITIONS, REQUIREMENTS OR LIMITATIONS TO THE USE OF PRIVATE PROPERTY.
 - (iii) REQUIRED DEDICATIONS OR EXACTIONS FROM OWNERS OF PRIVATE PROPERTY BY A STATE AGENCY.
 - (b) DOES NOT INCLUDE:
 - (i) ACTIVITY IN WHICH THE POWER OF EMINENT DOMAIN IS EXERCISED FORMALLY.
 - (ii) REPEALING RULES DISCONTINUING GOVERNMENTAL PROGRAMS OR AMENDING RULES IN A MANNER THAT LESSENS INTERFERENCE WITH THE USE OF PRIVATE PROPERTY.
 - (iii) LAW ENFORCEMENT ACTIVITY INVOLVING SEIZURE OR FORFEITURE OF PRIVATE PROPERTY FOR VIOLATIONS OF LAW OR AS EVIDENCE IN CRIMINAL PROCEEDINGS.
 - (iv) ORDERS THAT ARE AUTHORIZED BY STATUTE, THAT ARE ISSUED BY A STATE AGENCY OR A COURT OF LAW AND THAT WERE THE RESULT OF A VIOLATION OF STATE LAW.
3. "PRIVATE PROPERTY" MEANS ANY REAL OR PERSONAL PROPERTY IN THIS STATE THAT IS PROTECTED BY EITHER:
 - (a) THE FIFTH OR FOURTEENTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.
 - (b) ARTICLE II, SECTION 17 OF THE CONSTITUTION OF ARIZONA.
4. "STATE AGENCY" MEANS AN OFFICER OR UNIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT THAT IS AUTHORIZED BY LAW TO ADOPT RULES. STATE AGENCY DOES NOT INCLUDE THE LEGISLATIVE OR JUDICIAL BRANCHES OF STATE GOVERNMENT.

37-221. Constitutional taking guidelines and checklist

- A. THE ATTORNEY GENERAL SHALL ADOPT GUIDELINES TO ASSIST STATE AGENCIES IN THE IDENTIFICATION OF GOVERNMENTAL ACTIONS THAT HAVE CONSTITUTIONAL TAKING IMPLICATIONS.
- B. IN FORMULATING THE GUIDELINES, THE ATTORNEY GENERAL SHALL OBSERVE THE FOLLOWING PRINCIPLES:
 1. STATE AGENCIES SHALL BE SENSITIVE TO, ANTICIPATE AND ACCOUNT FOR THE OBLIGATIONS IMPOSED BY THE FIFTH AND FOURTEENTH AMENDMENTS OF THE CONSTITUTION OF THE UNITED STATES AND ARTICLE II, SECTION 17 OF THE CONSTITUTION OF ARIZONA IN PLANNING AND CARRYING OUT GOVERNMENTAL ACTIONS TO AVOID IMPOSING UNANTICIPATED OR UNDUE ADDITIONAL BURDENS ON THE PUBLIC TREASURY.
 2. GOVERNMENTAL ACTIONS THAT ARE TAKEN BY STATE AGENCIES AND THAT RESULT IN A PHYSICAL INVASION OR OCCUPANCY OF PRIVATE PROPERTY AND ACTIONS THAT AFFECT VALUE OR USE MAY CONSTITUTE A TAKING OF PRIVATE PROPERTY.
 3. GOVERNMENTAL ACTION MAY AMOUNT TO A TAKING EVEN THOUGH THE ACTION CONSTITUTES LESS THAN A COMPLETE DEPRIVATION OF ALL USE OR VALUE OR OF ALL SEPARATE AND DISTINCT INTERESTS IN THE SAME PRIVATE PROPERTY OR THE ACTION IS ONLY TEMPORARY IN NATURE.
 4. STATE AGENCIES WHOSE GOVERNMENTAL ACTIONS ARE SPECIFICALLY TO PROTECT PUBLIC HEALTH AND SAFETY ARE ORDINARILY GIVEN BROADER LATITUDE BY COURTS BEFORE THEIR ACTIONS ARE CONSIDERED TO BE TAKINGS. HOWEVER, THE MERE ASSERTION OF A PUBLIC HEALTH AND SAFETY PURPOSE IS INSUFFICIENT TO AVOID A TAKING. THEREFORE, ACTIONS THAT ARE PURPORTEDLY TO PROTECT THE PUBLIC HEALTH AND SAFETY SHALL BE:
 - (a) TAKEN ONLY IN RESPONSE TO REAL AND SUBSTANTIAL THREATS TO PUBLIC HEALTH AND

SAFETY.

- (b) DESIGNED TO ADVANCE SIGNIFICANTLY THE HEALTH AND SAFETY PURPOSE.
- (c) NO GREATER THAN NECESSARY TO ACHIEVE THE HEALTH AND SAFETY PURPOSE.
- 5. ALTHOUGH NORMAL GOVERNMENTAL PROCESSES DO NOT ORDINARILY CONSTITUTE TAKINGS, UNDUE DELAYS IN DECISION MAKING THAT INTERFERE WITH PRIVATE PROPERTY USE CARRY A RISK OF BEING HELD TO BE A TAKING. IN ADDITION, A DELAY IN PROCESSING MAY INCREASE SIGNIFICANTLY THE SIZE OF COMPENSATION DUE IF A CONSTITUTIONAL TAKING IS LATER FOUND TO HAVE OCCURRED.
- 6. THE CONSTITUTIONAL PROTECTIONS AGAINST TAKING PRIVATE PROPERTY ARE SELF-EXECUTING AND REQUIRE COMPENSATION REGARDLESS OF WHETHER THE UNDERLYING AUTHORITY FOR THE ACTION CONTEMPLATED A TAKING OR AUTHORIZED THE PAYMENT OF COMPENSATION.

C. THE ATTORNEY GENERAL SHALL:

- 1. COMPLETE THE GUIDELINES ON OR BEFORE JANUARY 1, 1994.
- 2. REVIEW AND UPDATE THE GUIDELINES AT LEAST ON AN ANNUAL BASIS TO MAINTAIN CONSISTENCY WITH COURT RULINGS.

37-222. Constitutional taking: state agencies

- A. THE ATTORNEY GENERAL SHALL DESIGNATE AN ASSISTANT ATTORNEY GENERAL, WHO IS COUNSEL FOR A STATE AGENCY, WHO SHALL DETERMINE WHETHER A PROPOSED GOVERNMENTAL ACTION HAS CONSTITUTIONAL TAKING IMPLICATIONS AND WHO IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH THIS ARTICLE.
- B. USING THE GUIDELINES PREPARED UNDER SECTION 37-221, THE STATE AGENCY SHALL PREPARE AN ASSESSMENT OF CONSTITUTIONAL TAKING IMPLICATIONS THAT INCLUDES AN ANALYSIS OF AT LEAST THE FOLLOWING ELEMENTS:
 - 1. THE LIKELIHOOD THAT THE GOVERNMENTAL ACTION MAY RESULT IN A CONSTITUTIONAL TAKING, INCLUDING A DESCRIPTION OF HOW THE TAKING AFFECTS THE USE OR VALUE OF PRIVATE PROPERTY.
 - 2. ALTERNATIVES TO THE PROPOSED GOVERNMENTAL ACTION THAT MAY:
 - (a) FULFILL THE GOVERNMENT'S LEGAL OBLIGATIONS OF THE STATE AGENCY.
 - (b) REDUCE THE IMPACT ON THE PRIVATE PROPERTY OWNER.
 - (c) REDUCE THE RISK OF A CONSTITUTIONAL TAKING.
 - 3. AN ESTIMATE OF FINANCIAL COST TO THIS STATE FOR COMPENSATION, AND THE SOURCE OF PAYMENT WITHIN THE AGENCY'S BUDGET IF A CONSTITUTIONAL TAKING IS DETERMINED.
- C. IN ADDITION TO THE GUIDELINES PREPARED UNDER SECTION 37-221, EACH STATE AGENCY SHALL ADHERE, TO THE EXTENT PERMITTED BY LAW, TO THE FOLLOWING CRITERIA IF IMPLEMENTING OR ENFORCING GOVERNMENTAL ACTIONS THAT HAVE CONSTITUTIONAL TAKING IMPLICATIONS:
 - 1. IF AN AGENCY REQUIRES A PERSON TO OBTAIN A PERMIT FOR A SPECIFIC USE OF PRIVATE PROPERTY, ANY CONDITIONS IMPOSED ON ISSUING THE PERMIT SHALL DIRECTLY RELATE TO THE PURPOSE FOR WHICH THE PERMIT IS ISSUED, SHALL SUBSTANTIALLY ADVANCE THAT PURPOSE AND SHALL BE EXPRESSLY AUTHORIZED BY LAW.
 - 2. ANY RESTRICTION IMPOSED ON THE USE OF PRIVATE PROPERTY SHALL BE PROPORTIONATE TO THE EXTENT THE USE CONTRIBUTES TO THE OVERALL PROBLEM THAT THE RESTRICTION IS TO REDRESS.
 - 3. IF AN ACTION INVOLVES A PERMITTING PROCESS OR ANY OTHER DECISION MAKING PROCESS THAT WILL INTERFERE WITH, OR OTHERWISE PROHIBIT, THE USE OF PRIVATE PROPERTY PENDING THE COMPLETION OF THE PROCESS, THE DURATION OF THE PROCESS SHALL BE KEPT TO THE MINIMUM NECESSARY.
 - 4. BEFORE TAKING AN ACTION RESTRICTING PRIVATE PROPERTY USE FOR THE PROTECTION OF PUBLIC HEALTH OR SAFETY, THE STATE AGENCY, IN INTERNAL DELIBERATIVE DOCUMENTS, SHALL:
 - (a) CLEARLY IDENTIFY, WITH AS MUCH SPECIFICITY AS POSSIBLE, THE PUBLIC HEALTH OR SAFETY RISK CREATED BY THE PRIVATE PROPERTY USE.
 - (b) ESTABLISH THAT THE ACTION SUBSTANTIALLY ADVANCES THE PURPOSE OF PROTECTING PUBLIC HEALTH AND SAFETY AGAINST THE SPECIFICALLY IDENTIFIED RISK.
 - (c) ESTABLISH, TO THE EXTENT POSSIBLE, THAT THE RESTRICTIONS IMPOSED ON THE PRIVATE PROPERTY ARE PROPORTIONATE TO THE EXTENT THE USE CONTRIBUTES TO THE OVERALL

RISK.

- (d) ESTIMATE, TO THE EXTENT POSSIBLE, THE POTENTIAL COST TO THE GOVERNMENT IF A COURT DETERMINES THAT THE ACTION CONSTITUTES A CONSTITUTIONAL TAKING.
- D. IF THERE IS AN IMMEDIATE THREAT TO HEALTH AND SAFETY THAT CONSTITUTES AN EMERGENCY AND REQUIRES AN IMMEDIATE RESPONSE, THE ANALYSIS REQUIRED BY SUBSECTION B OF THIS SECTION MAY BE MADE WHEN THE RESPONSE IS COMPLETED.
- E. BEFORE THE STATE AGENCY IMPLEMENTS A GOVERNMENTAL ACTION THAT HAS CONSTITUTIONAL TAKING IMPLICATIONS, THE STATE AGENCY SHALL SUBMIT A COPY OF THE ASSESSMENT OF CONSTITUTIONAL TAKING IMPLICATIONS TO THE GOVERNOR AND THE JOINT LEGISLATIVE BUDGET COMMITTEE.

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

Proposition 300 allows the voters to approve or disapprove the provisions protecting private property rights contained in section 1 of Senate Bill 1053 that was passed by the Legislature in 1992. If Proposition 300 passes, section 1 will become law. This proposition would not change the existing law on whether or how much a property owner should be paid as compensation for a governmental action.

Under the Constitution of the United States and the Constitution of Arizona, the government may not take private property for public purposes without compensating the property owner. Courts have said that a taking may occur even when the government doesn't acquire title to the property. Some regulations restricting the use of property may be found so restrictive that they really take the property. Proposition 300 would require state agencies, before a taking results, to examine their activities, including rules and other regulatory actions that affect the use of property, to determine if the action requires compensation from the state.

The agency's review would have to include consideration of the principles and standards contained in Proposition 300 and guidelines adopted by the State Attorney General, including an analysis of potential costs of, and alternatives to, the proposed action. An agency may take action to protect the public health or safety, but only if the agency has specifically identified the particular risk involved and has determined that the agency's proposed action is no more than is necessary to address that risk.

Under Proposition 300 the State Attorney General would adopt guidelines to help state agencies to determine the kinds of activities that might require compensating the property owner under the Constitution. The Attorney General would then determine whether the guidelines apply to a proposed action.

After reviewing each proposed action and before taking the action, the state agency would submit the review to the Governor and the Legislature.

ARGUMENT "FOR" PROPOSITION 300

Proposition 300 requires state government to act responsibly when proposing new rules. It requires state government to evaluate a new rule for the possibility of effecting the use or value of a person's property. Common sense says government should do this, but they do not!

An example . . . Special interest groups want all Arizona's rivers to look like they did 200 years ago. They are pushing state government to confiscate people's land. In 1994, 6,000 home and business owners in the Salt River Valley received notices from the state that they may not own their property. Thousands of other property owners across the state, who are within close proximity to a stream and have bought and paid taxes on their property are also having their property ownership questioned. The title is so clouded because of this attack, they cannot sell their homes. Before this is resolved, each may have to hire an attorney to protect their home from the state.

Proposition 300 requires state government to "look before it leaps". It requires government bureaucrats to measure the impact a proposed rule may have on property use, its value and the subsequent cost to taxpayers if a property owner successfully sues the state for "taking" his property.

Proposition 300 is fair. It DOES NOT STOP government from protecting the public's health and safety. But, it DOES STOP government bureaucrats from considering the protection of snail-darters, kangaroo rats and dry river beds without looking at the effect on private homes and businesses.

Eight states have passed a law similar to Proposition 300. Twenty-nine other states continue to consider its passage. Homeowners, business owners and taxpayers are simply asking government to "look before it leaps."

Proposition 300 is fair and protects both taxpayers and property owners. VOTE YES ON PROPOSITION 300.

Ken Evans, President Andy Kurtz, Executive Secretary and Chief Administrative Officer
AZ Farm Bureau Federation AZ Farm Bureau Federation
Yuma Phoenix

ARGUMENT "FOR" PROPOSITION 300

Property Rights are part of the very foundation of our liberties as citizens. Prop 300 will ensure they remain as part of that foundation.

Prop 300 will require Arizona State Government to "look before they leap" when implementing regulations affecting the value of your private property. The health and safety of Arizona's citizens will also be protected under Prop 300.

The cost of government regulation is truly staggering - it is also a barometer of how free we Arizonans are to pursue our own interests and to determine the course of our own lives. The cost of government regulation has exceeded \$5,400 per household, each year. Prop 300 will help reduce the cost of government regulation by requiring government to assess the financial impact to your private property from their regulations.

Prop 300 will reduce the financial liability of Arizona's State Government. It will require state agencies to consider the effect of their actions, the cost of the actions, the reduction in value of your private property and alternatives to "taking" your property.

Prop 300 will protect your private property from "big" government actions. It will also reduce the burden upon every taxpayer in Arizona, when the government has to "look before they leap."

The Arizona Cattlemen's Association urges you to vote YES on Proposition 300.

Walter Armer, Jr., President Sandra Eastlake, Executive Vice President
AZ Cattlemen's Assn AZ Cattlemen's Assn
Benson Phoenix

ARGUMENT "FOR" PROPOSITION 300

The right to private property rights is a cornerstone of our country. Property rights are so important, they're mentioned in the Declaration of Independence and the founding fathers enshrined them in the Bill of Rights.

The Constitutional protections provided in the 5th Amendment promise that, "No person shall be deprived of life, liberty or property, without due process of law nor shall property be taken for public use without just compensation."

Even with these strong Constitutional protections, government has been eroding the rights of property owners through restrictive policies. Proposition 300 strengthens existing protections for property owners and provides important new guarantees against arbitrary big government policies. It makes government treat ordinary citizens more fairly and it requires government to respect our Constitutional rights.

Proposition 300 requires government to "look before it leaps" when its actions affect your property. It spells out how government must live up to the Constitutional protections for property. With a "YES" vote, government must first estimate the cost of paying property owners whenever government's actions hurt your property values.

Proposition 300 makes government consider property rights before it acts, not after. It shifts the burden of proof from the property owner to the government. Right now, if government takes away your property rights, all you can do is - after the fact -- file an expensive lawsuit to show your rights were diminished. Under Proposition 300, the burden is on the government to show its actions are justified, before it diminishes your property rights.

Would a "Yes" vote on Proposition 300 restrict the government's ability to regulate or take your property? No, but it would require government to act responsibly.

Treating property owners fairly, safeguarding our Constitutional right, and protecting private property against unlimited power of government -- That's what Proposition 300 will accomplish for Arizona. "YES" 300.

Clint Magnussen, Chairman of the Board Wayne C. Anderson, President and CEO
AZ Chamber of Commerce AZ Chamber of Commerce
Phoenix Phoenix

ARGUMENT "FOR" PROPOSITION 300

The voters of Arizona are given an historic opportunity: to reaffirm private property rights, more two-hundred-and-

eighteen years after the birth of a great nation dedicated to this very idea.

Private property rights lie at the heart of American liberty, and at the heart of all human freedom. To work, to build, to strive and succeed -- this is the birthright of every American. And it is a birthright built entirely on the right to private property.

Each of the guarantees against government tyranny in the American Constitution is important. But none is more important than the Fifth Amendment guarantee against the taking of private property without just compensation. The law now before Arizona voters has the simple effect of asking government to honor that guarantee. It requires regulatory agencies of government to consult the law and consider the rights of property owners in Arizona before regulating against private property.

It is a terrific law for our time. It is vital to restraining abuses of the awesome power of government. I strongly support it.

Fife Syming ton

Governor

Phoenix

Arizonans for Private Property Rights: Andy Kurtz, Treasurer

ARGUMENT "FOR" PROPOSITION 300

One of the most fundamental freedoms Americans have is the right to use their private property in any lawful manner.

The right to own and use private property must be guarded and protected as fervently as our rights to free speech, to worship and to assemble. Removing, restricting, or trampling this right destroys the cornerstone of America's foundation.

In 1992, the 40th Arizona Legislature passed the Arizona Private Property Protection Act. This act was prompted by the failure of government bureaucrats to adequately take into account private property rights in their rule-making activities. The Act will insure that property rights guaranteed by the U.S. and Arizona constitutions will be safeguarded in the regulatory process.

The Act establishes a process for state regulators to follow prior to the enactment of a new rule or regulation. This process will determine if the new rule or regulation is an unconstitutional taking of citizens' property rights.

It is a simple process, and we anticipate the vast majority of state government activities will not be affected by the Act. But in those cases where the government proposes regulations that unduly infringe on or take private property, we believe it is preferable to have this information in advance.

In practice, the Act will also reduce the number of lawsuits against the state for unconstitutional takings of private property.

The Act gives practical meaning to the rights which our founding fathers so wisely reserved in the people.

We urge a "yes" vote on Proposition 300.

Mark Killian

John Greene

Speaker of the House President of the Senate

AZ State Legislature AZ State Legislature

Mesa

Phoenix

Arizonans for Private Property Rights: Andy Kurtz, Treasurer

ARGUMENT "FOR" PROPOSITION 300

Private Property rights are the foundation upon which the United States has built the most free, the most wealthy, and the most open society in the history of mankind. A family's home, farm or ranch is their last outpost from a tyrannical government.

This legislation simply asks government to attempt to avoid a taking and, if the taking is unavoidable, fairly compensate any family who is forced to give up their property.

This is nothing more or less than a commonsense approach to limited self-government and the basic assurance that we as citizens are free from the arbitrary nature of government intervention.

Please vote yes on 300.

David Schweikert

House Majority Whip
AZ State Legislature
Fountain Hills
Arizonans for Private Property Rights: Andy Kurtz, Treasurer

ARGUMENT "FOR" PROPOSITION 300

The Arizona Department of Commerce, in its role of stimulating economic development in the state, recognizes the importance of private property rights. These rights are among the most vital in our free-enterprise system.

The Commerce Department fully supports the proposed private property rights law, which would protect us from unwarranted regulation against private property. Furthermore, we believe that this legislation would be easily administered by state agencies.

Sara Goertzen, Director
AZ Department of Commerce
Phoenix

Arizonans for Private Property Rights: Andy Kurtz, Treasurer

ARGUMENT "FOR" PROPOSITION 300

I urge you to vote YES on Proposition 300 in the November election.

A NO vote on Proposition 300 will eliminate an important protection against taking of private property, without just compensation, by government agencies. The passage of Proposition 300 will ensure that Senate Bill 1053 which was signed by Governor Fife Symington in June, 1992 will continue to be the law in Arizona.

Contrary to information being circulated by its opponents, the passage of Proposition 300 would ensure that:

1. The Attorney General will continue to counsel state agencies to determine whether prospective regulatory conduct might amount to a compensatory "taking" of real property, as addressed by the 5th Amendment to the U.S. Constitution, under the current dictates of constitutional law.
2. The governmental agencies continue to prepare an analysis of a taking action in light of current law, including likelihood and effects of a taking, possible alternatives and estimated cost of compensation, if any. Such compensation must be budgeted and available.
3. Undue delays in decision making that interfere with the use of private property will remain at risk of being considered a taking.
4. If, after analysis, it appears that a taking would occur, the agency must submit a copy of the analysis to the Governor and the Joint Legislative Budget Committee before moving forward.

As Governor Symington has said, "Private property rights lie near the source of liberty under which Americans are free to enjoy the God-given beauty of the earth." I totally agree with the Governor. I urge a YES vote on Proposition 300.

Jerry Holt, Commissioner
AZ Department of Real Estate
Phoenix

Arizonans for Private Property Rights: Andy Kurtz, Treasurer

ARGUMENT "FOR" PROPOSITION 300

The objective of the private property rights statute is to give added protection to one of our basic freedoms - the right to private property.

The State Land Department manages the State's largest real estate asset - 9.4 million acres of Trust lands that were given to the State by the Federal Government. These Trust lands are to be leased or sold to produce revenues to help support the Trust beneficiaries which are the public schools and institutions. Every dollar earned from the lease and sale of these Trust lands is one less dollar that has to be raised from the taxpayers of this State.

The State Land Department experiences daily, and on the statewide scale, the same frustrations that private landowners face in dealing with Federal, State and local government regulations that affect the use and value of land.

As a state agency, the Land Department will be faced with additional work and undoubtedly additional expense in

implementing the private property rights protection statute, but I believe that these changes can be accomplished in a reasonable and cost effective manner.

Furthermore, I believe that it is important that the taxpayers of this State know that the same principles which protect private property are equally important to the protection of their 9.4 million acre real estate asset which helps support their public schools and institutions.

M. Jean Hassell, State Land Commissioner
AZ State Land Department
Phoenix

Arizonans for Private Property Rights: Andy Kurtz, Treasurer

ARGUMENT "FOR" PROPOSITION 300

The unchallengeable powers of the government to take value from its citizens without compensation must be stopped, at the least we need to "begin" to turn around the laws in favor of the property owners.

As it currently is, the cities, counties and states can declare a slum or blight within a city or town and use the threat of taking those homes, businesses, and lands with the power of eminent domain. This arbitrary action by the government making the declaration, instantly reduces the market value of each of the properties within that area and without any compensation being made to the owners. The government's declaration of a slum, blight or redevelopment area "lives-on" forever and is never removed even if all the properties are cleared or are totally redeveloped with new structures, etc. The decreased values and the false depression of the area caused by the governments arbitrary action goes on forever and without any compensation to any of the affected owners.

Also, when a public airport encroaches upon private property (homes, businesses and vacant), the government routinely reduces the appraised fair market valuation of all the affected the lands because of that encroachment. The property owners of these lands are "entitled" to full compensation of this reduction in value and at the time of the damage.

Upon government purchase of private property through eminent domain, the government does not have to pay the owners the value of the improvements on that land but for only the value of the land. Under this unconstitutional procedure, owners then purchase identical replacement property with the condemnation funds and must personally bear the expense to replace all their improvements, (stores, factories, homes, etc.) the government took from them without any compensation or go bankrupt.

Bonnie Span
Pete Span
Phoenix

Arizonans for Private Property Rights: Andy Kurtz, Treasurer

ARGUMENT "FOR" PROPOSITION 300

When Government needs to take property for the public good, the U.S. Constitution guarantees the owner reasonable compensation. That's fair. The U.S. Supreme Court upheld that concept in its recent decision Dolan vs. City of Tigard (OR).

Sometimes, though, Government doesn't want to own property but needs to simply control its use through regulation. The landowner will no longer be able to use the property the way he intended, but will still have to care for it and pay taxes on it. If the owner isn't compensated for his loss of the use of his land, that's not fair.

THAT'S WHAT PROPOSITION 300 WILL REMEDY.

This law will require state agencies considering regulations on private property to research what the land owner would be giving up and to compensate the owner with funds from that agency's budget. The state will still be able to regulate private property if necessary to protect the public, and the property owner will no longer be a victim of Big Government.

A "YES" vote on Proposition 300 will require Government to:

- notify citizens when and why their property may be regulated;
- research the effects of the proposed regulation;
- pay property owners if the use of their private property is regulated.

The Arizona Association of REALTORS® agrees with U.S. Chief Justice Rehnquist who has said property rights

are as important a part of the Bill of Rights as the freedoms of speech and religion. The late President Calvin Coolidge said, "Property rights and personal rights are the same thing."

Government should be able to regulate property use to protect the public but should not be able to limit property rights without paying the owner.

A "YES" vote on Proposition 300 is a vote to protect people from Big Government bureaucracy.

Vicki Cox-Golder, President Robert Flibotte, President-Elect

AZ Assn of REALTORS® AZ Assn of REALTORS®

Tucson

Payson

ARGUMENT "FOR" PROPOSITION 300

On June 1st, 1992 Gov. Fife Symington signed into law what is known as the "Private Property Rights Bill." I believe this to be the strongest message yet to those who would abscond with our constitutionally guaranteed rights, that the party is over.

Gov. Symington said of the legislation that environmentalism actually requires respect for private property so as to insure the ability to afford the costs associated with environmental cleanliness. "Paying that cost requires capital; accumulation of capital requires markets; markets require eternal vigilance in the protection of private property. I will not preside over a state government that is afraid to require of itself due regard for the private property of the citizens."

Balancing the needs of all (a clean and safe environment) with the rights of the few (the property owner) is the only equitable alternative which exists. For too long the individual private property owner has borne the inequity of shouldering most of the burden associated with environmental protectionism.

Our Government too often regulates away uses (and thereby takes away value) because it is both politically expedient and fiscally cheaper (at least in the short run). If our Government feels that an individual's property is worth controlling through regulating its use then that same government should be prepared to shoulder the appropriate burden. For too long the cost of the "public good" has been borne by individual property owners when it comes to land use decisions.

Proposition 300 asks our Government to do three simple things: 1.) Plan ahead, 2.) Be fair, and 3.) Balance the Budget. Vote YES on Proposition 300 and know that you are voting for a stronger, better and more vital Arizona!

Thank you.

William Arnold, Chairman

Southern AZ Work Group

Arizonans For Private Property Rights

Tucson

ARGUMENT "AGAINST" PROPOSITION 300

The Arizona Community Protection Committee is a coalition of taxpayers, teachers, consumers, conservationists, nurses, neighborhood leaders, and many others. We oppose Proposition 300 because it is costly to taxpayers, confusing, breeds lawsuits at our expense, and threatens our health and safety.

Proposition 300 creates additional administrative government reviews that could cost us millions. For example, if Proposition 300 passes, the estimated administrative costs alone for just three of Arizona's 100-plus departments is nearly half a million dollars. How much more will it really cost? The legislators won't tell us.

This state takings bill has nothing to do with the constitutionally protected guarantee that we must be compensated if property is taken. Rather it means we, the taxpayers, may have to compensate anyone who is prevented from making maximum profit from property use which violated accepted standards of health, safety or other community values.

If Proposition 300 passes, big mining interests, developers, and others who support it will be able to maximize their profits at our expense. For example, if a new state regulation prevented a mining smelter from releasing certain potentially hazardous chemicals into the air, they could claim that the cost of alternative disposal is a "taking" and demand that we, Arizona taxpayers, reimburse them for the costs.

This bill has been described by the Tribune Newspapers as "a sham and a shame". The Arizona Republic called it "a wolf in sheep's clothing". The Arizona Daily Star said it was "rotten to the core". We agree.

The legislature exempted itself from Proposition 300. Let's exempt ourselves. Vote No on 300.

Joni Bosh, Campaign Chair
AZ Community Protection Committee
Phoenix

Sandra Bahr, Campaign Treasurer
AZ Community Protection Committee
Chandler

ARGUMENT "AGAINST" PROPOSITION 300

The League of Women Voters is very concerned about this Act. It professes to be private property rights protection. Such protection is already in place under both the U.S. and Arizona Constitutions.

The intent of this Act is to stop environmental regulation. The method is to make it too expensive for the State to set or enforce regulations which protect the environment.

How? The Attorney General would have to analyze each rule and regulation to determine if it would "affect" anyone's property. If so, the State (i.e., the taxpayers) would have to compensate the property owner. The State's attorneys will have to spend massive amounts of time - and money - making detailed determination; the State may well wind up having to compensate property owners who have been over-dumping pesticides, polluting the groundwater, polluting the air, etc., on the grounds that their property is made less valuable.

Citizens are not protected by such measures. Only certain special interests will profit - for they will attempt to charge the State (i.e., the taxpayer) for any possible or imagined reduction in their profits.

This Act will do nothing to protect private property rights, but will undermine Arizona's health, consumer, worker safety and environmental programs by tying the hands of the State agencies responsible for protecting citizens from:

- releases of hazardous and toxic pollutants into the environment,
- dangerous use of pesticides,
- dumping of toxic wastes instead of proper disposal,
- unsanitary restaurants,
- and irresponsible day care centers

to name just a few examples.

We should not have to pay people or industries NOT to pollute.

The League of Women Voters says vote NO on Proposition 300.

Joyce Forney, President	Sandra Kaszeta, Vice President
League of Women Voters of AZ	League of Women Voters of AZ
Sedona	Mesa

ARGUMENT "AGAINST" PROPOSITION 300

Why is the Arizona Parks and Recreation Association against Proposition 300?

Simple!

It will waste taxpayers' money. This waste of money could impact the local and regional parks that residents and visitors have come to expect.

But how can this happen? Actually, in a couple of ways.

On the state level, if the proposition is approved, it could decrease the ability of the State Parks and the Game and Fish Department to implement the extremely successful Arizona Heritage Fund. Instead of monies being used to develop recreational opportunities for our young people, families and senior citizens, funds could be used for frivolous lawsuits, lawyers fees, and court costs. Do you really want that?

A bigger concern is on the local level. Proponents of Proposition 300 intend to see that the same vaguely worded and costly regulations are implemented in our cities, towns and counties. Again, tax dollars that would have been used to address such social ills as domestic violence, at-risk youth, and drug abuse could instead be spent in the legal system.

At a time when our financial resources are already stretched thin, does it make sense to possibly throw away millions of dollars in lawsuits? Or does it make more sense to guarantee that the funds are invested, as they were intended, in programs that enhance the quality of life in Arizona? We think that the answer is clear. Vote no on Proposition 300.

Peg Weber, President	Maury Ahlman, Vice-President
AZ Parks and Recreation Assn, Inc.	AZ Parks and Recreation Assn, Inc.
Tucson	Gilbert

ARGUMENT "AGAINST" PROPOSITION 300

Vote NO! on the State's Regulatory Takings Act, Proposition 300!

Proposition 300 is every Arizona taxpayer's worst nightmare. If this act becomes law, it will:

- Cost taxpayers millions of dollars in new administrative costs. The estimated costs for the first year for just three of Arizona's over 100-plus state agencies are over \$457,000.
- Increase government bureaucracy and unwieldy red tape by requiring more government reviews.
- Undermine existing laws that protect public health and the safety of our families, homes and neighborhoods.
- Threaten property values by making it harder to protect our homes and neighborhoods from unwanted instructions like porno shops and liquor stores.
- Generate expensive lawsuits because it is so confusing. It's a full employment act for lawyers with taxpayers footing the bill.

Don't be mislead. Proposition 300 isn't about protecting the "little guy." Big developers, big agriculture and big mining interests support this act and stand to gain if it becomes law.

The Governor and his state legislator pals still haven't told us just how much Proposition 300 will cost taxpayers! Only three state agencies have estimated how much Proposition 300 will cost them. Ninety-seven (97) plus departments and agencies have yet to give us their estimated costs.

Don't give Arizona State Government a blank check. Protect your wallets, your property values and your health and safety! VOTE NO! on Proposition 300!

Bob Smith, Treasurer

The Neighborhood Coalition Of Greater Tucson
Tucson

Nancy Von Wald, Secretary

The Neighborhood Coalition Of Greater Tucson
Tucson

ARGUMENT "AGAINST" PROPOSITION 300

The Arizona Consumers' Council is a nonprofit group dedicated to protecting consumers' interests for more than 25 years. We fought for the successful elimination of the state tax on food and helped document price fixing on such products as bread and milk.

We are extremely concerned that if Proposition 300 passes, consumers will pay more in taxes and will not be adequately protected from potential public health problems. Standards associated with food handling, preparation, storage, and quality control to assure safe processing of meats, poultry, fruits, bottled water and other food products would be threatened. Put simply, under Proposition 300, a food inspector cannot act to avoid a potential public health threat and bureaucratic delays in issuing permits and licenses would increase.

As the Arizona Daily Star said, "The state public-health sanitation chief fears the law will make it harder for state officials to condemn food products or revoke health permits Whose interests are being served by a law that confuses agency heads about their authority in an area historically clear cut as food safety?" (August 9, 1992)

Vote no on Proposition 300.

Phyllis Rowe, President Joe Ritter, Secretary-Treasurer

AZ Consumers' Council AZ Consumers' Council

Phoenix

Phoenix

ARGUMENT "AGAINST" PROPOSITION 300

My family and I have lived, ranched, operated businesses, and participated actively in community affairs in northern Arizona for five generations. We cherish this place, its clean air and water, its beauty, and its outstanding quality of life. We take pride in our long tradition of local control and self-government.

There are many reasons why I oppose Proposition 300. It will cost Arizona taxpayers untold millions of dollars, and will create new bureaucratic reviews which will result in a staggering amount of new red tape.

My greatest fear, however, is that Proposition 300 will have the effect of dismantling basic community protections . I believe that Proposition 300 will have an immediate negative effect on the ability of local communities to protect the public health, safety, and welfare.

Governor Symington recently told the Arizona Farm Bureau, "Once we settle this issue, we can start working to pass similar laws for local governments which impose a good deal more regulations affecting private property than state government. I think we should carry on this crusade."

That statement scares me. If the Governor and State Legislature have their way, a real estate developer could claim that zoning regulations reduce his profits and that taxpayers should, therefore, have to pay compensation. Takings bills such as Proposition 300 acknowledge only one property right: To maximize profits, even if against the public interest or interests of other private property owners.

This disturbing challenge to the rights of local communities to protect their own interests can be stopped on November 8th. The governments and citizens of 27 states have rejected takings bills in 1993. Arizona must follow suit in 1994.

Please vote "NO" on Proposition 300 .

James E. Babbitt, Business Owner
Flagstaff

ARGUMENT "AGAINST" PROPOSITION 300

Nurses, health educators, physicians, nutritionists, and other public health workers are members of the Arizona Public Health Association. Our purpose is to protect the public's health and prevent disease and disability. The Association and its members are very concerned about Proposition 300 and urge you to vote NO.

A close review of Proposition 300 convinces us that it will create more state bureaucracy, increase our costs as taxpayers, and seriously weaken public health protections for Arizonans.

A variety of industries -- food, mining, hazardous waste, pesticides, etc. --pose potentially serious public health threats if quality cannot be assured. Proposition 300 weakens the public health standard under which public health officials may respond to potential threats.

Protecting the public's health is a legitimate and necessary function of a responsible government. Precautionary regulations for pesticide spraying, hazardous waste management, work place safety, sanitation in restaurants, and even highway safety will be in jeopardy as a result of Proposition 300.

Vote NO on Proposition 300. The health of our state is at stake.

Gordon H. Jensen, Executive Director	Barbara Olson, President
AZ Public Health Assn	AZ Public Health Assn
Scottsdale	Avondale

ARGUMENT "AGAINST" PROPOSITION 300

American Association of University Women of Arizona strongly opposes Proposition 300. It is expensive, confusing, and will result in increased lawsuits, loss of public health standards and residential property values.

Proposition 300 will reduce health and safety protections and increase costs to taxpayers. It would undermine current efforts to enforce food handling permits and day care facility provisions.

AAUW supports equity for all citizens and the responsible management of air, water and waste. Proposition 300 would reward the irresponsible actions of a few people at the expense of the rest of the citizens of Arizona. We oppose this costly, bureaucratic waste and assault on the basic rights to a safe, clean place in which to live.

AAUW urges you to vote no on Proposition 300.

Cindy Holmes, President	Eileen Fellner, Public Policy Committee
AZ AAUW	AZ AAUW
Phoenix	Mesa

ARGUMENT "AGAINST" PROPOSITION 300

The NEIGHBORHOOD COALITION OF GREATER PHOENIX is an organization advocating for neighborhoods and homeowners associations, of which there are over 450 groups valleywide.

The NEIGHBORHOOD COALITION OF GREATER PHOENIX encourages Arizona taxpayers and those who are concerned about their neighborhoods to vote no on Proposition 300. What does Proposition 300 mean to neighborhoods and taxpayers? It means more bureaucracy and lawsuits costing you and me millions of dollars, while politicians enjoy another layer of government. The Arizona Republic said this legislation "would result in enormous and needless costs to the state." (May 30, 1992)

Proposition 300 is the biggest all out assault on the rights of small property owners today. The ironic part is that a no vote on Proposition 300 is a vote to protect your neighborhood and future local zoning rights. Neighborhoods need to protect their right to influence the uses of property in their area. Proposition 300 would jeopardize your rights to prevent certain uses that

could harm your neighborhood and the quality of life enjoyed by you and your children.
We urge you to vote no on Proposition 300.

Holly O'Brien, President
Neighborhood Coalition Of Greater Phoenix
Phoenix

Paul Barnes, Secretary
Neighborhood Coalition Of Greater Phoenix
Phoenix

ARGUMENT "AGAINST" PROPOSITION 300

The Arizona Wildlife Federation, the oldest sportsmen's organization in Arizona, urges all sportsmen, conservationists and everyone interested in the state's wildlife and other natural resources to vote No on Proposition 300. Proposition 300 would mean more money spent on lawsuits and red tape. Thus lawyers and bureaucracy win -- wildlife loses. It would become a gigantic impediment to management of hunting, fishing and wildlife. It would aid abusers of land and water including polluters. It should have been called the "Polluter's Protection Act". Under Proposition 300, if deer, antelope, birds or any other wild creature ate some grass or damaged a fence, the owner or lessee of property (including permittees on public land) would have a basis for suing the Department of Game and Fish -- and guess who will pay? You and me! Proposition 300 would become a program of gifts from taxpayers and hunting and fishing license buyers to special interests like mining and cattle industries. The public would be paying for the actions of wild creatures -- something the courts have consistently ruled improper under present law. Hunting and fishing license revenues would be siphoned off to pay legal fees and the costs of administering this "takings act". "[It] would virtually rob natural resource agencies of the ability to enforce environmental laws. It would do so by making enforcement too expensive for the state." wrote Barry Burkhart, outdoor editor for The Arizona Republic. Under Proposition 300, wildlife protection would be subject to political maneuvering -- something the people of Arizona have consistently resisted. It would be excessively costly, contrary to the public interest, and a calamity for wildlife. We urge all Arizonans to vote No on Proposition 300.

Steve Gallizioli, Vice President of Operations Vic Largesse, Vice President of Conservation
AZ Wildlife Federation AZ Wildlife Federation
Fountain Hills Mesa

ARGUMENT "AGAINST" PROPOSITION 300

The Southwest Archaeology Team; a statewide non-profit all-volunteer organization dedicated to the protection, preservation, and stabilization of archaeological sites in the southwestern United States; urges you to vote no on proposition 300. Proposition 300 will adversely impact our cultural resources, such as archaeological and historic sites. It will limit our ability to protect burials, draft historic preservation ordinances, designate historic districts, enforce the Arizona Antiquity laws, and, most importantly, limit our ability to continue the Arizona Heritage Fund grant program. The most successful, most popular new program in Arizona State Parks is the Heritage Fund. The Heritage Fund, created in 1990 by an overwhelming majority of Arizona's voters, includes an annual expenditure of \$1.7 million for the acquisition, stabilization, and restoration of our archaeological and historic resources. The Arizona Heritage Fund is a catalyst for community action. The fund encourages local communities, large and small, to work together to acquire, preserve, stabilize, and restore significant cultural resources. When we work together on these projects, we rescue significant resources from decay and neglect. The Heritage Fund has provided incentive for the people of Cornville to acquire and preserve Sugarloaf Pueblo, a prehistoric Sinagua site. The Heritage Fund has enabled Arizona State Parks to stabilize Homolovi, a prehistoric Anasazi site. The Heritage Fund has helped the City of Mesa stabilize Mesa Grande, a prehistoric Hohokam site. Throughout Arizona, in communities large and small, there are examples of the value of the Arizona Heritage Fund. Please help us save the Arizona Heritage Fund. Please vote no on Proposition 300.

Sam Baar, Chairman Ben Mixon, Treasurer
Southwest Archaeology Team Southwest Archaeology Team
Tempe Phoenix

ARGUMENT "AGAINST" PROPOSITION 300

The Arizona Preservation Foundation, a statewide non-profit organization dedicated to the preservation and restoration of historic buildings and sites, urges you to vote no on Proposition 300. The passage of this proposition has the potential to severely limit our abilities to protect and preserve our historic properties. Urban decay is at the heart of many community problems. Because they are old, historic buildings require special attention. Historic preservation ordinances help slow the decay of urban centers and maintain the historic fabric that contributes so much to the character of our communities. If Proposition 300 is allowed to go into effect, it will be difficult to develop new

ordinances, which help maintain the historic character of our neighborhoods.

In addition, many communities establish historic overlay districts by a majority vote of the property owners. There are dozens of historic districts located in residential and commercial areas throughout the state. These districts help enable owners to maintain the character of their historic neighborhood, apply for funding to assist in the upkeep of the properties, and, preserve a part of the overall history of the community at large. If the proposition is enacted, such districts could no longer be viable as a means for maintaining such properties.

Our cultural heritage is at risk. It is imperative that this proposition not be enacted into law. We must continue to preserve our past so future generations may understand and appreciate where we have been and how we arrived where we are today.

Jill Gering, President	Annette Napolitano, Vice President
AZ Preservation Foundation	AZ Preservation Foundation
Phoenix	Buckeye

ARGUMENT "AGAINST" PROPOSITION 300

Vote no on Proposition 300! Proposition 300, the "takings" bill, is about taking away our rights.

Taking away our right to healthy, safe environment. Currently, Arizona prohibits pesticide spraying within one quarter mile of a school district, hospital or day care center. But if Prop 300 passes, farmers could claim this requirement reduces profit, since unregulated use of pesticides would produce a bigger harvest with lower expenses. Farmers could demand that the State - that is, taxpayers -compensate them for lost profits. Sanitation officials have recently expressed concern that this bill will stall efforts to condemn impure food and revoke permits for unsanitary restaurants. Will the state be able to regulate the patient-caregiver ratio in a nursing home or the child-caregiver ratio in a day care center, if Prop 300 passes?

Taking away our civil rights. Passage of this proposition could ominously impact state actions to limit discrimination against minorities, persons with disabilities and women. Anti-discrimination rules affect the use of private property by prohibiting housing discrimination, job bias and barriers to the disabled. The state will certainly be sued for "compensation" when it forces employers, contractors and landlords to stop engaging in discriminatory practices.

Proposition 300's theme is that any time a law or regulation lowers profits, taxpayers should pay compensation to the property owner. It eliminates the necessary balance between protecting private property and protecting public health, safety and welfare. If Prop 300 passes forget about clean air, clean water and health and safety in the workplace.

DON'T LET THE RADICAL RIGHT AND A FEW GREEDY BUSINESS INTERESTS LIKE BIG LAND SPECULATORS/DEVELOPERS TAKE AWAY YOUR RIGHTS! VOTE NO ON PROPOSITION 300 AND TAKE BACK YOUR RIGHTS!

Raúl M. Grijalva, Supervisor, District 5
Pima County Board of Supervisors
Tucson

ARGUMENT "AGAINST" PROPOSITION 300

The Arizona Archaeological Council, a statewide non-profit organization dedicated to maintaining and promoting the goals of professional archaeology in the State of Arizona, urges you to vote no on Proposition 300. Passage of this proposition has the potential to adversely impact our archaeological and historic sites.

In 1990, the Arizona legislature passed legislation which protects human burials found on private property, and objects associated with them. The burial protection legislation could be rendered ineffective if Proposition 300 is enacted. The proposition could result in the looting and vandalism of human burials on private property.

For thirty years, the Arizona Antiquity Law has stood as a model of how states should act to protect archaeological and historic sites located on state property. In the United States, we traditionally consider sites located on public lands as belonging to us all. Proposition 300 could allow a select few to steal the past from all of us. The proposition could force the state to issue permits to looters allowing them to damage state property in their search for prehistoric and historic artifacts, military artifacts, and other cultural material.

Under Arizona law, the State Historic Preservation Office (SHPO) is responsible for insuring that state agencies and those receiving state permits or funds, take into account archaeological and historic sites prior to beginning a project. Sometime the SHPO requires the permittee or recipient to avoid sites altogether. Other times, they must mitigate the various impacts of their project upon significant cultural resources. Under Proposition 300, the recipient may ask the state to pay all costs related to protecting those resources.

Human burials, archaeological sites, and historic sites are endangered resources which require state assistance for their protection. We urge you to vote no on proposition 300.

Charles Redman, President	Connie Stone, Executive Council
AZ Archaeological Council	AZ Archaeological Council
Tempe	Phoenix

ARGUMENT "AGAINST" PROPOSITION 300

Arizona Common Cause urges all Arizonans to vote No on Proposition 300. Special-interest group lobbyists and their friends in the Legislature have proposed this "regulatory takings" scheme that could substantially undermine our public health and safety protections and end up costing Arizona tax-payers dearly.

Currently, our senior citizens are protected by state standards that regulate practices in nursing homes, and our children are protected by standards that govern day-care facilities. All Arizonans enjoy protections against industrial contamination of our air and water by hazardous and toxic waste.

Proposition 300 would create several new layers of unnecessary government bureaucracy to assess health and safety regulations for any potential "regulatory taking." Historically and currently, those determinations are made by impartial courts of law. However, under this Proposition, these decisions would be made by politicians and bureaucrats. If the politicians determine there is any "regulatory taking," tax-payers would have to pay industries' claims of compensation. Not only could tax-payers end up paying the cost for establishing new bureaucratic delays, but could also end up subsidizing industries to have them obey the laws that protect our health and safety.

Once again, the tax-payers of Arizona are left holding the bag. How much more will this cost us? The Legislature and Governor won't tell us; they don't want you to know. Other states, whose agencies and departments were not subject to gag-orders, have estimated that similar proposals would cost them millions of dollars.

This "takings" scheme could allow special-interest industries to cut corners by making it too costly for state agencies to enforce the regulations that protect our public health and safety. The result would drive up tax-payer costs and could further delay enforcement of the regulations that protect our health and safety.

Vote No on Proposition 300.

Kay Jeffries, Executive Director Dana B. Larsen, Chairman of the Board

AZ Common Cause

AZ Common Cause

Phoenix

Phoenix

ARGUMENT "AGAINST" PROPOSITION 300

On behalf of Arizona Toxics Information, a citizens' group committed to informing Arizonans about public health risks posed by hazardous materials, we write in support of a NO vote for Proposition 300.

Like citizens all across America, we Arizonans have made a firm commitment to protect our children, our homes, our neighborhoods, our workplaces, and our larger environment from the effects of toxic substances like hazardous waste and pesticides. The protections we have won are a combination of pollution prevention, control, and clean-up programs made possible by the efforts of concerned citizens, public agencies, and responsible businesses.

Proposition 300 would seriously undermine these hard-won protections and turn back the clock on public health and safety. For example, if a new state regulation prevented a mining or chemical company from dumping certain potentially hazardous chemicals into streams, the company could claim that the cost of alternative disposal is a taking and demand taxpayer compensation.

Similarly, if a new state regulation or permit prevents the development of a hazardous waste landfill -- or requires better technology to meet worker safety or environmental standards -- under Proposition 300, the landfill owner could argue that a government taking has occurred and he or she is entitled to be paid our tax dollars to comply.

Proposition 300 would take away our rights to safe, clean neighborhoods and healthful environment. And Arizona taxpayers would pay dearly for the legal confusion resulting from reversing decades of public policies in midstream -- policies that have given us a priceless legacy of safer drinking water, cleaner air, safer workplaces, and the standing to protect our families and our property against irresponsible special interests who would sacrifice our health for their short-term economic gain.

Arizona Toxics Information strongly urges you to vote NO on Proposition 300.

Richard Mathews, President Michael Gregory, Director

AZ Toxics Information

AZ Toxics Information

Bisbee

McNeal

ARGUMENT "AGAINST" PROPOSITION 300

The Sierra Club, one of the oldest environmental groups in Arizona, opposes Proposition 300 because it threatens our environment and our pocketbooks. Protections from hazardous wastes, pesticides and toxic emissions will be undermined by this poorly drafted legislation. It's vague. It's confusing. It's costly. We will pay for more red tape and more lawsuits, plus put our health, safety, and environment at risk.

During hearings on this bill, Ed Fox, Director of the Department of Environmental Quality, told the senate that this "would add more bureaucracy, create delays in implementation of regulations which protect our children, our homes, and our neighborhoods, yet it would provide no greater protection of property rights than already exists under the Fifth Amendment

of the U.S. Constitution."

Protect our wallets, our neighborhoods, our communities, and our environment. Vote no on Proposition 300.

Karen Amacker, Vice Chair	Lynn DeMuth, Chair
Sierra Club, Grand Canyon Chapter	Sierra Club, Grand Canyon Chapter
Phoenix	Palo Verde Group
	Phoenix

ARGUMENT "AGAINST" PROPOSITION 300

The Historic Willo Neighborhood is opposed to Senate Bill 1053, The "Private Property Rights" or "Takings" bill. The private property owners of this Historic district and numerous others, have seen true property value protection and enhancement, tax reduction, neighborhood stability, crime reduction, significant reinvestment and many other quality of life attributes due to the Historic District Status and the protections thus afforded. Historic Neighborhoods are but one of the many potential victims that would be affected if this legislation is allowed to be put into place.

Throughout the metropolitan area, the State of Arizona and indeed the country, Americans are struggling to retain and attain value for their communities and their private property. The measures that exist to help people obtain these would be lost if this legislation passes. In effect, one person's interests could be used to undermine the rights and property values of the many. We oppose this legislation.

Michael Dollin, President	George Marvin, Recording Secretary
Willo Neighborhood Assn	Willo Neighborhood Assn
Phoenix	Phoenix

BALLOT FORMAT

PROPOSITION 301

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

OFFICIAL TITLE

ORDERING THE SUBMISSION TO THE PEOPLE OF AN ACT AMENDING SECTIONS 9-500.02 AND 12-550, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 12; TRANSFERRING AND RENUMBERING SECTION 12-565, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, AS SECTION 12-713; AMENDING SECTION 12-713, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, AS ADDED BY SECTION 3 OF THIS ACT, BY ADDING SECTIONS 12-714 AND 12-715; AMENDING SECTION 12-820.02, ARIZONA REVISED STATUTES; REPEALING SECTIONS 12-820.03 AND 12-821, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 7, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 12-821; AMENDING SECTION 12-822, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11; AMENDING SECTIONS 12-2505 AND 12-2506, ARIZONA REVISED STATUTES; AMENDING TITLE 12, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 17; TRANSFERRING AND RENUMBERING TITLE 12, CHAPTER 5.1, ARTICLE 2, ARIZONA REVISED STATUTES, AS TITLE 12, CHAPTER 17, ARTICLE 1, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING EXISTING SECTIONS 12-581 THROUGH 12-594, RESPECTIVELY, AS SECTIONS 12-2601 THROUGH 12-2614; REPEALING THE ARTICLE HEADING OF FORMER TITLE 12, CHAPTER 5.1, ARTICLE 2, ARIZONA REVISED STATUTES; AMENDING SECTIONS 12-2602, 12-2605, 12-2606, 12-2607, 12-2609, 12-2610, 12-2612 AND 12-2613, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTION 33-1551, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 33, CHAPTER 12, ARIZONA REVISED STATUTES, TO "LIABILITIES AND DUTIES ON PROPERTY USED FOR EDUCATION AND RECREATION"; AMENDING SECTION 48-818, ARIZONA REVISED STATUTES; RELATING TO TORT REFORM.

DESCRIPTIVE TITLE

AN ACT IMPOSING A TIME LIMIT FOR FILING CERTAIN LAWSUITS; CHANGING THE COLLATERAL SOURCE RULE; CREATING INSURER RIGHTS OF RECOVERY; CREATING GOVERNMENTAL AND OTHER IMMUNITIES; PERMITTING CERTAIN DEFENSES THAT BAR RECOVERY; PROVIDING PERIODIC PAYMENT OF DAMAGES FOR FUTURE LOSSES.

PROPOSITION 301

A "yes" vote shall have the effect of approving the Legislature's changes to Arizona's civil justice system.

YES



A "no" vote shall have the effect of not approving the Legislature's changes to Arizona's civil justice system.

NO



PROPOSITION 301

This referendum seeks to refer only the following portions of Senate Bill 1055: sections 2, 4, 5, a portion of section 6, sections 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 28. Shaded sections of Senate Bill 1055 were not referred to the ballot.

OFFICIAL TITLE

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

ORDERING THE SUBMISSION TO THE PEOPLE OF AN ACT AMENDING SECTIONS 9-500.02 AND 12-550, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 12; TRANSFERRING AND RENUMBERING SECTION 12-565, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, AS SECTION 12-713; AMENDING SECTION 12-713, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, AS ADDED BY SECTION 3 OF THIS ACT, BY ADDING SECTIONS 12-714 AND 12-715; AMENDING SECTION 12-820.02, ARIZONA REVISED STATUTES; REPEALING SECTIONS 12-820.03 AND 12-821, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 7, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 12-821; AMENDING SECTION 12-822, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11; AMENDING SECTIONS 12-2505 AND 12-2506, ARIZONA REVISED STATUTES; AMENDING TITLE 12, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 17; TRANSFERRING AND RENUMBERING TITLE 12, CHAPTER 5.1, ARTICLE 2, ARIZONA REVISED STATUTES, AS TITLE 12, CHAPTER 17, ARTICLE 1, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING EXISTING SECTIONS 12-581 THROUGH 12-594, RESPECTIVELY, AS SECTIONS 12-2601 THROUGH 12-2614; REPEALING THE ARTICLE HEADING OF FORMER TITLE 12, CHAPTER 5.1, ARTICLE 2, ARIZONA REVISED STATUTES; AMENDING SECTIONS 12-2602, 12-2605, 12-2606, 12-2607, 12-2609, 12-2610, 12-2612 AND 12-2613, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTION 33-1551, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 33, CHAPTER 12, ARIZONA REVISED STATUTES, TO "LIABILITIES AND DUTIES ON PROPERTY USED FOR EDUCATION AND RECREATION"; AMENDING SECTION 48-818, ARIZONA REVISED STATUTES; RELATING TO TORT REFORM.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 9-500.02, Arizona Revised Statutes, is amended to read:

9-500.02. Emergency medical aid or assistance to other public bodies; limitation on liability

- A. A city or town or its officers and employees, ~~or~~ a private fire or ambulance company whose services are procured by a city or town or its officers and employees OR A PROPERTY OWNER, ITS OFFICERS OR EMPLOYEES OR A TENANT OR A LICENSED HEALTH CARE PROVIDER AS DEFINED IN SECTION 12-561 WHO PERFORMS EMERGENCY MEDICAL AID, when rendering emergency medical aid provided by an emergency medical technician, an intermediate emergency medical technician or a paramedic who is certified by the director of the department of health serviced pursuant to section 36-2205—is not liable for civil or other damages to the recipient of the emergency medical aid as the result of any act or omission in rendering such aid or as the result of any act or failure to act to provide or arrange for further medical treatment or care for the sick or injured person. This subsection does not apply if the person providing emergency medical aid is guilty of gross negligence or intentional misconduct. The immunity provided for in this subsection does not extend to an emergency medical technician, an intermediate emergency medical technician or a paramedic while operating a motor vehicle.
- B. A city or town, ~~or~~ an employee of a city or town—OR A LICENSED HEALTH CARE PROVIDER if requested by a public body to assist at a traffic accident on a public right-of-way or to render emergency aid at an emergency occurrence outside of the corporate limits of such city or town is not liable for any civil or other damages as the result of any act or omission by the city or town or an employee of the city or town at the traffic accident, rendering emergency care or as the result of any act or failure to act to provide or arrange for further medical treatment or care for an injured person. This subsection does not apply if the city or town, ~~or~~ an employee of the city or town OR A LICENSED HEALTH CARE PROVIDER, while providing assistance at such a traffic accident, rendering such emergency care or acting or failing to act to provide such further medical treatment or care, is guilty of gross negligence.
- C. The provisions of this section shall not abrogate the right of an employee who is injured while performing services as provided in subsection A OF THIS SECTION to recover benefits for which he may be eligible under title 23, chapter 6 from the city or town.
- D. Nothing in this section limits a plaintiff's right to recover civil damages from any applicable uninsured motorist coverage or underinsured motorist coverage.

E. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO SERVICES PROVIDED IN AN EMERGENCY ROOM.

Sec. 2. Section 12-550, Arizona Revised Statutes, is amended to read:

12-550. General limitation

A. Actions other than for recovery of real property for which no limitation is otherwise prescribed shall be brought within four years after the cause of action accrues, and not afterward.

B. WHERE NO OTHER STATUTE OF LIMITATION APPLIES OR THE STATUTE IS TOLLED, AN ACTION MAY NOT BE COMMENCED MORE THAN TWELVE YEARS AFTER THE CAUSE OF ACTION ACCRUES EXCEPT IN CASES OF FRAUD BY A DEFENDANT THAT PREVENTED THE DISCOVERY OF A CAUSE OF ACTION WITHIN THE APPLICABLE LIMITATION PERIOD.

C. FOR PURPOSES OF THIS SECTION, A CAUSE OF ACTION ACCRUES WHEN THE INJURED PARTY REALIZES HE OR SHE HAS BEEN INJURED AND KNOWS OR REASONABLY SHOULD KNOW THE CAUSE, SOURCE, ACT, EVENT, INSTRUMENTALITY OR CONDITION WHICH CAUSED OR CONTRIBUTED TO THE INJURY. IN THE CASE OF AN INCAPACITATED PERSON OR A MINOR, THE CAUSE OF ACTION ACCRUES WHEN AN ADULT PERSON WHO HAS LEGAL CUSTODY OF THE INCAPACITATED PERSON OR THE MINOR, OR THE ESTATE OF THE INCAPACITATED PERSON OR THE MINOR, KNOWS THAT THE INCAPACITATED PERSON OR THE MINOR HAS BEEN INJURED AND KNOWS OR REASONABLY SHOULD HAVE KNOWN THE CAUSE, SOURCE, ACT, EVENT, INSTRUMENTALITY OR CONDITION WHICH CAUSED OR CONTRIBUTED TO THE INJURY.

Sec. 3. Title 12, chapter 6, Arizona Revised Statutes, is amended by adding article 12, to read:

ARTICLE 12. MISCELLANEOUS

12-711. Affirmative defense

IN ANY CIVIL ACTION, THE FINDER OF FACT MAY FIND THE DEFENDANT NOT LIABLE IF THE DEFENDANT PROVES THAT THE CLAIMANT WAS UNDER THE INFLUENCE OF AN INTOXICATING LIQUOR OR A DRUG AND AS A RESULT OF THAT INFLUENCE THE CLAIMANT WAS AT LEAST FIFTY PER CENT RESPONSIBLE FOR THE ACCIDENT OR EVENT THAT CAUSED THE CLAIMANT'S HARM.

12-712. Liability for damages that result during a criminal act

IN ANY CIVIL ACTION, A DEFENDANT IS NOT LIABLE FOR DAMAGES THAT THE PLAINTIFF INCURS IF THE PLAINTIFF IS HARMED AS A RESULT OF THE NEGLIGENCE OR GROSS NEGLIGENCE OF ANY DEFENDANT WHILE THE PLAINTIFF IS ATTEMPTING TO COMMIT, COMMITTING OR FLEEING FROM A FELONY CRIMINAL ACT.

Sec. 4. Section 12-565, Arizona Revised Statutes, is transferred and renumbered for placement in title 12, chapter 6, article 12, Arizona Revised Statutes, as section 12-713 and, as so renumbered, is amended to read:

12-713. Personal injury actions: collateral source evidence

A. In any ~~medical malpractice~~ PERSONAL INJURY action ~~against a licensed health care provider~~, the defendant may introduce evidence of any amount or other benefit which is or will be payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States social security act, any state or federal workers' compensation act, any disability, health, sickness, life, income-disability or accident insurance that provides health benefits or income-disability coverage and any other contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of income-disability or medical, hospital, dental or other health care services to establish that any cost, expense, or loss claimed by the plaintiff as a result of the injury or death is subject to reimbursement or indemnification from such collateral sources. Where the defendant elects to introduce such evidence, the plaintiff may introduce evidence of ANY OF THE FOLLOWING:

1. Any amount which the plaintiff has paid or contributed to secure his right to any such benefits. ~~or~~
2. That recovery from the defendant is subject to a lien. ~~or~~
3. That a provider of such collateral benefits has a statutory right of recovery against the plaintiff as reimbursement for such benefits. ~~or~~
4. That the provider of such benefits has a right of subrogation to the rights of the plaintiff in the ~~medical malpractice~~ PERSONAL INJURY action.

B. Evidence introduced pursuant to this section shall be admissible for the purpose of considering the damages claimed by the plaintiff and shall be accorded such weight as the trier of the facts chooses to give it.

C. Unless otherwise expressly permitted to do so by statute, no provider of collateral benefits, as described in subsection A, shall recover any amount against the plaintiff as reimbursement for such benefits nor shall such provider be subrogated to the rights of the plaintiff.

Sec. 5. Title 12, chapter 6, article 12, Arizona Revised Statutes, as added by section 3 of this act, is amended by adding

sections 12-714 and 12-715, to read:

12-714. Subrogation

A. AN INSURANCE POLICY, SUBSCRIPTION CONTRACT OR EVIDENCE OF COVERAGE THAT PROVIDES MEDICAL, SURGICAL, HOSPITAL OR OTHER HEALTH CARE BENEFITS MAY CONTAIN A PROVISION GIVING THE INSURER, HOSPITAL OR MEDICAL SERVICE CORPORATION OR HEALTH CARE SERVICES ORGANIZATION A LIEN AGAINST ANY PROCEEDS THAT ARE COLLECTED IN A CLAIM FOR INJURIES AGAINST A THIRD PARTY BY THE INSURED PERSON FROM THE PERSON, FIRM OR CORPORATION AGAINST WHICH CLAIM IS MADE TO THE EXTENT OF THE ACTUAL LOSS INCURRED OR ACTUAL COSTS OF SERVICES PROVIDED OR TO BE PROVIDED, UNDER THE POLICY, SUBSCRIPTION CONTRACT OR EVIDENCE OF COVERAGE.

B. ANY INSURER WHICH PROVIDES IN THE POLICY ANY LIEN OR SUBROGATION RIGHTS UNDER THIS SECTION SHALL ADVISE THE NAMED INSURED IN WRITING OF THE LIEN OR SUBROGATION RIGHTS IN THE POLICY IN A MANNER PRESCRIBED BY THE DEPARTMENT OF INSURANCE. THIS SUBSECTION SHALL APPLY TO ALL NEW POLICIES ISSUED IN THIS STATE OR RENEWALS OF POLICIES IN THIS STATE WHICH OCCUR ON OR AFTER DECEMBER 31, 1993.

C. THE LIEN SHALL BE PERFECTED BY MAILING TO THE INSURED AT HIS LAST KNOWN ADDRESS WITHIN SIXTY DAYS AFTER THE FIRST BENEFITS OR SERVICES ARE PROVIDED A NOTICE OF LIEN SETTING FORTH THE AMOUNT PAID OR PROVIDED TO THAT DATE. WHEN TIMELY PERFECTED, THE LIEN APPLIES TO ALL BENEFITS THAT ARE PAID OR SERVICES THAT ARE PROVIDED BEFORE SETTLEMENT OR JUDGEMENT BECAUSE OF THE CONDITION THAT IS THE SUBJECT OF THE CLAIM.

D. AN ATTORNEY WHO REPRESENTS A PERSON MAKING A CLAIM FOR PERSONAL INJURIES AT THE TIME OF JUDGEMENT OR SETTLEMENT, WHO HAS NOTICE OF THE LIEN AND WHO DOES NOT HONOR THE LIEN IS LIABLE FOR THE LIEN. IN NO EVENT SHALL THE ATTORNEY BE LIABLE FOR THE EXCESS IF THE JUDGEMENT OR SETTLEMENT RECOVERED BY THE INSURED IS LESS THAN THE LIEN AMOUNT. THE LIEN SHALL NOT ATTACH TO THE ATTORNEY'S FEES AND COSTS PORTION OF THE JUDGEMENT OR SETTLEMENT.

E. EXCEPT AS PROVIDED IN SECTION 36-2903, AN INSURANCE POLICY, SUBSCRIPTION CONTRACT OR EVIDENCE OF COVERAGE THAT PROVIDES MEDICAL, SURGICAL, HOSPITAL OR OTHER HEALTH CARE BENEFITS MAY CONTAIN A PROVISION MAKING THE BENEFITS EXCESS OVER OTHER VALID AND COLLECTIBLE INSURANCE OR SIMILAR PROGRAMS THAT MAY PROVIDE PAYMENT OF COVERED MEDICAL, SURGICAL, HOSPITAL OR OTHER HEALTH CARE EXPENSES. THE DIRECTOR SHALL BY RULE DESIGNATE WHICH POLICIES ARE PRIMARY OVER OTHER POLICIES AND DESCRIBE THE MANNER IN WHICH BENEFITS UNDER ALL POLICIES COORDINATE. FOR PURPOSES OF THIS SUBSECTION "POLICY" SHALL INCLUDE INSURANCE POLICIES, SUBSCRIPTION CONTRACTS AND EVIDENCES OF COVERAGE THAT PROVIDE MEDICAL, SURGICAL, HOSPITAL OR OTHER HEALTH CARE BENEFITS AND SHALL ALSO INCLUDE SIMILAR PROGRAMS THAT MAY PROVIDE PAYMENT OF COVERED MEDICAL, SURGICAL, HOSPITAL OR OTHER HEALTH CARE EXPENSES.

F. THE INSURANCE POLICY OR OTHER HEALTH CARE PLAN WHICH PROVIDES MEDICAL, SURGICAL, HOSPITAL OR OTHER HEALTH CARE BENEFITS MAY PROVIDE AN OFFSET AGAINST ANY OTHER FIRST-PARTY COVERAGE PROVIDED BY THE SAME POLICY SUCH AS UNINSURED MOTORIST OR UNDERINSURED MOTORIST COVERAGE. THE PROVIDER MAY, BUT NEED NOT, ASSERT AN INDEPENDENT ACTION TO ENFORCE THE LIEN.

G. AS AN ALTERNATIVE TO THE LIEN PROVIDED IN SUBSECTION A, A PROVIDER OF BENEFITS MAY BE SUBROGATED TO THE RIGHTS OF THOSE RECEIVING THE BENEFITS IN THE AMOUNT AND EXTENT OF THE BENEFITS PROVIDED. THE PROVIDER MAY, BUT NEED NOT, ASSERT AN INDEPENDENT ACTION TO ENFORCE THE LIEN OR SUBROGATION RIGHTS. ANY ACTION BROUGHT MUST BE COMMENCED WITHIN THE PERIOD ALLOWED BY THE APPLICABLE STATUTE OF LIMITATIONS.

Sec. 6. Section 12-820.02, Arizona Revised Statutes, is amended to read:

12-820.02. Qualified immunity

A. Unless a public employee acting within the scope of his employment intended to cause injury or was grossly negligent, neither a public entity nor a public employee is liable for:

1. The failure to make an arrest or the failure to retain an arrested person in custody.
2. An injury caused by an escaping or escaped prisoner or a youth committed to the department of youth treatment and rehabilitation.
3. An injury resulting from the probation, parole, furlough, conditional liberty, release from confinement or discharge of a prisoner or a youth committed to the department of youth treatment and rehabilitation or from the terms and conditions of ~~their~~ THE PRISONER'S OR YOUTH'S probation, parole, furlough, conditional liberty

or release from confinement or from the revocation of ~~their~~ THE PRISONER'S OR YOUTH'S probation, parole, furlough, conditional liberty or release from confinement.

4. An injury caused by a prisoner to any other prisoner or an injury caused by a youth committed to the department of youth treatment and rehabilitation to any other committed youth.
5. The issuance of or failure to revoke or suspend any permit, license, certificate, approval, order or similar authorizations for which absolute immunity is not provided pursuant to section 12-820.01.
6. The failure to discover violations of any provision of law requiring inspections of property other than property owned by the public entity in question.
7. AN INJURY TO THE DRIVER OF A MOTOR VEHICLE THAT IS ATTRIBUTABLE TO THE VIOLATION BY THE DRIVER OF SECTION 28-692 OR 28-693.

B. WHEN THE ACTS OR OMISSIONS THAT ARE ALLEGED TO CREATE LIABILITY FOR INJURY OR DAMAGE OCCUR AFTER A HIGHWAY, ROAD, STREET, RIGHT-OF-WAY OR BRIDGE HAS BEEN ACCEPTED AS COMPLETE BY A GOVERNMENTAL ENTITY AND ACTS OR OMISSIONS THAT ARE ALLEGED TO CREATE LIABILITY FOR INJURY OR DAMAGE ARISE OUT OF THE MAINTENANCE OR OPERATION OF THE HIGHWAY, ROAD, STREET, RIGHT-OF-WAY OR BRIDGE, THE GOVERNMENTAL ENTITY OR PUBLIC EMPLOYEE ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT MAY NOT BE HELD LIABLE FOR SUCH DAMAGE OR INJURY UNLESS THE DAMAGE OR INJURY WAS INTENDED OR CAUSED BY GROSS NEGLIGENCE. WHEN DAMAGE OR INJURY ARISES OUT OF THE OPERATION OR USE OF A MOTOR VEHICLE OR OTHER MOTORIZED DEVICE BY THE EMPLOYEE OF A GOVERNMENTAL ENTITY PERFORMING MAINTENANCE ON THE HIGHWAY, ROAD, STREET, RIGHT-OF-WAY OR BRIDGE EITHER BEFORE OR AFTER IT IS ACCEPTED AS COMPLETE BY THE GOVERNMENTAL ENTITY, LIABILITY MAY BE DEMONSTRATED BY PROVING ORDINARY NEGLIGENCE.

Sec. 7. Repeal

Sections 12-820.03 and 12-821, Arizona Revised Statutes, are repealed.

Sec. 8. Title 12, chapter 7, article 2, Arizona Revised Statutes, is amended by adding a new section 12-821, to read:

12-821. General limitation

ALL PERSONAL INJURY ACTIONS AGAINST ANY PUBLIC ENTITY OR PUBLIC EMPLOYEE INVOLVING ACTS THAT ARE ALLEGED TO HAVE OCCURRED WITHIN THE SCOPE OF THE PUBLIC EMPLOYEE'S EMPLOYMENT SHALL BE BROUGHT WITHIN ONE YEAR AFTER THE CAUSE OF ACTION ACCRUES AND NOT AFTERWARD.

Sec. 9. Section 12-822, Arizona Revised Statutes, is amended to read:

12-822. Change of venue

A. Service of summons in an action ~~authorized in section 12-821~~ AGAINST ANY PUBLIC ENTITY OR PUBLIC EMPLOYEE INVOLVING ACTS THAT ARE ALLEGED TO HAVE OCCURRED WITHIN THE SCOPE OF THE PUBLIC EMPLOYEE'S EMPLOYMENT shall be made pursuant to Arizona rules of civil procedure, ~~rule 4(d)~~.

B. In an action against this state upon written demand of the attorney general, made at or before the time of answering, served upon the opposing party and filed with the court where the action is pending, the place of trial of any such action shall be changed to Maricopa county.

Sec. 10. Title 12, chapter 7, Arizona Revised Statutes, is amended by adding article 11, to read:

ARTICLE 11. ACTIONS AGAINST VOLUNTEERS

12-981. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "GOVERNMENTAL ENTITY" MEANS A COUNTY, MUNICIPALITY, SCHOOL DISTRICT, CHARTERED UNIT OR SUBDIVISION, A GOVERNMENTAL UNIT OR OTHER SPECIAL DISTRICT OR SIMILAR ENTITY OR ANY ASSOCIATION, AUTHORITY, BOARD, COMMISSION, DIVISION, OFFICE, OFFICER, TASK FORCE OR OTHER AGENCY OF THIS STATE.
2. "HOSPITAL" MEANS A HEALTH CARE FACILITY, WHETHER ORGANIZED FOR PROFIT OR NOT, WHICH PROVIDES MEDICAL SERVICES, NURSING SERVICES, HEALTH SCREENING SERVICES, OTHER HEALTH-RELATED SERVICES OR SUPERVISORY CARE SERVICES.
3. "NONPROFIT CORPORATION" MEANS A CORPORATION THAT IS EXEMPT FROM TAXATION PURSUANT TO SECTION 501(a) OF THE INTERNAL REVENUE CODE.
4. "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION THAT IS EXEMPT FROM TAXATION PURSUANT TO SECTION 501(c) OF THE INTERNAL REVENUE CODE.
5. "VOLUNTEER" MEANS A PERSON WHO PERFORMS SERVICES FOR A NONPROFIT CORPORATION OR NONPROFIT ORGANIZATION, HOSPITAL OR GOVERNMENTAL ENTITY WITHOUT COMPENSATION OTHER THAN REIMBURSEMENT OF ACTUAL EXPENSES INCURRED. THE TERM

INCLUDES A VOLUNTEER WHO SERVES AS A DIRECTOR, OFFICER, TRUSTEE OR DIRECT SERVICE VOLUNTEER.

12-982. Qualified immunity; insurance coverage

- A. A VOLUNTEER IS IMMUNE FROM CIVIL LIABILITY IN ANY ACTION BASED ON AN ACT OR OMISSION OF A VOLUNTEER RESULTING IN DAMAGE OR INJURY IF:
1. THE VOLUNTEER ACTED IN GOOD FAITH AND WITHIN THE SCOPE OF THE VOLUNTEER'S OFFICIAL FUNCTIONS AND DUTIES FOR A NONPROFIT CORPORATION OR NONPROFIT ORGANIZATION, HOSPITAL OR GOVERNMENTAL ENTITY.
 2. THE DAMAGE OR INJURY WAS NOT CAUSED BY WILFULL, WANTON OR GROSSLY NEGLIGENT MISCONDUCT BY THE VOLUNTEER.
- B. NOTWITHSTANDING SUBSECTION A, IN ANY SUIT AGAINST A NONPROFIT CORPORATION OR NONPROFIT ORGANIZATION, HOSPITAL OR GOVERNMENTAL ENTITY FOR CIVIL DAMAGES BASED ON THE NEGLIGENT ACT OR OMISSION OF A VOLUNTEER, PROOF THAT THE ACT OR OMISSION WAS WITHIN THE SCOPE OF THE VOLUNTEER'S OFFICIAL FUNCTIONS AND DUTIES IS SUFFICIENT TO ESTABLISH THE VICARIOUS LIABILITY, IF ANY, OF THE ORGANIZATION.
- C. A MOTOR VEHICLE INSURANCE POLICY, AS DEFINED IN SECTION 28-1170, WHICH PROVIDES COVERAGE TO THE OPERATOR OF A MOTOR VEHICLE IS SUBJECT TO THE FOLLOWING PROVISIONS WHICH NEED NOT BE CONTAINED IN THE POLICY. THE LIABILITY OF THE INSURANCE CARRIER WITH RESPECT TO THE INSURED AND ANY OTHER PERSON USING THE VEHICLE WITH THE EXPRESS OR IMPLIED PERMISSION OF THE INSURED SHALL EXTEND TO PROVIDE EXCESS COVERAGE FOR A NONPROFIT CORPORATION OR NONPROFIT ORGANIZATION FOR THE ACTS OF THE OPERATOR IN OPERATING A MOTOR VEHICLE AT ALL TIMES WHEN THE OPERATOR IS ACTING AS A VOLUNTEER FOR THAT NONPROFIT CORPORATION OR NONPROFIT ORGANIZATION.

Sec. 11. Section 12-2505, Arizona Revised Statutes, is amended to read:

12-2505. Comparative negligence; definition

A. The defense of contributory negligence or of assumption of risk is in all cases a question of fact and shall at all times be left to the jury. ~~If the jury applies either defense, the claimant's action is not barred, but the full damages shall be reduced in proportion to the relative degree of the claimant's fault which is a proximate cause of the injury or death, if any.~~ IN AN ACTION FOR PERSONAL INJURY, PROPERTY DAMAGE OR WRONGFUL DEATH, THE LIABILITY OF THE PERSON WHO CAUSED THE INJURY SHALL BE ALLOCATED TO EACH PERSON IN DIRECT PROPORTION TO THAT PERSON'S PERCENTAGE OF FAULT. IF THE PERCENTAGE OF FAULT THAT IS CHARGEABLE TO THE CLAIMANT IS EQUAL TO OR EXCEEDS THE AGGREGATE FAULT OF ALL OF THE DEFENDANTS AND NONPARTIES, THE CLAIMANT MAY BE BARRED BY THE FINDER OF FACT FROM RECOVERING ANY DAMAGES. IF THE PERCENTAGE OF FAULT THAT IS CHARGEABLE TO THE CLAIMANT IS LESS THAN THE AGGREGATE FAULT OF ALL OF THE DEFENDANTS AND NONPARTIES, THE CLAIMANT MAY RECOVER DAMAGES, EXCEPT THAT THE CLAIMANT'S RECOVERY OF DAMAGES WILL BE REDUCED IN PROPORTION TO THE PERCENTAGE OF FAULT THAT WAS CHARGED TO THE CLAIMANT. There is no right to comparative negligence in favor of any claimant who has intentionally, wilfully or wantonly caused or contributed to the injury or wrongful death.

B. IN ANY ACTION FOR PERSONAL INJURY, PROPERTY DAMAGE OR WRONGFUL DEATH, THE PLAINTIFF MAY BE BARRED BY THE FINDER OF FACT FROM RECOVERING DAMAGES IF THE PERSON SUFFERING PERSONAL INJURY, PROPERTY DAMAGE OR WRONGFUL DEATH WAS AWARE OR MUST HAVE BEEN AWARE THAT THERE WAS A RISK OF DEATH OR INJURY TO A PERSON OR HARM TO PROPERTY AND PROCEEDED VOLUNTARILY TO EXPOSE HIMSELF OR HERSELF TO SUCH RISK.

~~B.~~ C. In this section, "claimant's fault" includes the fault imputed or attributed to a claimant by operation of law, if any.

Sec. 12. Section 12-2506, Arizona Revised Statutes, is amended to read:

12-2506. Joint and several liability abolished; exceptions; apportionment of degrees of fault; definitions

A. In an action for personal injury, property damage or wrongful death, the liability of each defendant for damages is several only and is not joint, except as otherwise provided in this section. IN AN ACTION FOR PERSONAL INJURY, PROPERTY DAMAGE OR WRONGFUL DEATH, THE LIABILITY OF THE PERSON WHO CAUSED THE INJURY SHALL BE ALLOCATED TO EACH PERSON IN DIRECT PROPORTION TO THAT PERSON'S PERCENTAGE OF FAULT. IF THE PERCENTAGE OF FAULT THAT IS CHARGEABLE TO THE CLAIMANT IS EQUAL TO OR EXCEEDS THE AGGREGATE FAULT OF ALL OF THE DEFENDANTS AND NONPARTIES, THE CLAIMANT MAY BE BARRED BY THE FINDER OF FACT FROM RECOVERING ANY DAMAGES. IF THE PERCENTAGE OF FAULT THAT IS CHARGEABLE TO THE CLAIMANT IS LESS THAN THE AGGREGATE FAULT OF ALL OF THE DEFENDANTS AND NONPARTIES, THE CLAIMANT MAY RECOVER DAMAGES, EXCEPT THAT THE CLAIMANT'S RECOVERY

OF DAMAGES WILL BE REDUCED IN PROPORTION TO THE PERCENTAGE OF FAULT THAT WAS CHARGED TO THE CLAIMANT. Each defendant is liable only for the amount of damages allocated to that defendant in direct proportion to that defendant's percentage of fault, and a separate judgement shall be entered against the defendant for that amount. To determine the amount of judgement to be entered against each defendant, the trier of fact shall multiply the total amount of damages recoverable by the plaintiff by the percentage of each defendant's fault, and that amount is the maximum recoverable against the defendant.

B. In assessing percentages of fault the trier of fact shall consider the fault of all persons who contributed to the alleged injury, death or damage to property, regardless of whether the person was, or could have been, named as a party to the suit. Negligence or fault of a nonparty may be considered if the plaintiff entered into a settlement agreement with the nonparty or if the defending party gives notice before trial, in accordance with requirements established by court rule, that a nonparty was wholly or partially at fault. Assessments of percentages of fault for nonparties are used only as a vehicle for accurately determining the fault of the named parties. Assessment of fault against nonparties does not subject any nonparty to liability in this or any other action, and it may not be introduced as evidence of liability in any action.

C. The relative degree of fault of the claimant, and the relative degrees of fault of all defendants and nonparties, shall be determined and apportioned as a whole at one time by the trier of fact. If two or more claimants have independent claims, a separate determination and apportionment of the relative degrees of fault of the respective parties, and any nonparties at fault, shall be made with respect to each of the independent claims.

D. The liability of each defendant is several only and is not joint, except that:

1. A party is responsible for the fault of another person, or for payment of the proportionate share of another party, if both parties were acting in concert or if a person was acting as an agent or servant of the party.

2. Nothing in this section prohibits the imposition of joint and several liability in a cause of action relating to hazardous wastes or substances or solid waste disposal sites.

E. If a defendant is found jointly and severally liable pursuant to subsection D, the defendant has the right to contribution pursuant to this chapter.

F. As used in this section:

1. "Acting in concert" means pursuing a common plan or design to commit a tortious act and actively taking part in it.

2. "Fault" means an actionable breach of legal duty, act or omission proximately causing or contributing to injury or damages sustained by a person seeking recovery, including negligence in all of its degrees, contributory negligence, assumption of risk, strict liability, breach of express or implied warranty of a product, products liability and misuse, modification or abuse of a product.

Sec. 13. Title 12, Arizona Revised Statutes, is amended by adding chapter 17, to read:

CHAPTER 17

PERIODIC PAYMENTS

ARTICLE 1. GENERAL PROVISIONS

Sec. 14. Transfer and renumber

Title 12, chapter 5.1, article 2, Arizona Revised Statutes, is transferred for placement in title 12, Arizona Revised Statutes, as chapter 17. The transferred article is renumbered, with title 12, chapter 5.1, article 2, Arizona Revised Statutes, becoming title 12, chapter 17, article 1. The transferred sections, previously included in title 12, chapter 5.1, article 2, are renumbered for placement in title 12, chapter 17, article 1 the first number being replaced by the second number as follows: 12-581 as 12-2601, 12-582 as 12-2602, 12-583 as 12-2603, 12-584 as 12-2604, 12-585 as 12-2605, 12-586 as 12-2606, 12-587 as 12-2607, 12-588 as 12-2608, 12-589 as 12-2609, 12-590 as 12-2610, 12-591 as 12-2611, 12-592 as 12-2612, 12-593 as 12-2613 and 12-594 as 12-2614.

Sec. 15. Heading repeal

The article heading of former title 12, chapter 5.1, article 2, Arizona Revised Statutes, is repealed.

Sec. 16. Section 12-2602, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

12-2602. Election of periodic payments

A. This article applies to any trial involving a claim for future damages. ~~arising out of a medical malpractice action.~~ Any party may elect to receive or pay future damages for economic losses in periodic installments in accordance with this article.

B. The election shall be made pursuant to court rule. Any objection to the election shall be made pursuant to court rule.

C. An election filed by a party claiming or responding to a claim for future damages is effective unless an objecting party shows good cause pursuant to section ~~12-583~~ 12-2603 why the trial or arbitration of a claim affecting the party should not be conducted under this article.

D. If an effective election is on file at the commencement of trial, all claims, including third party claims, counterclaims and claims consolidated for trial shall be tried under this article unless the court finds that a separate trial or other proceeding should be held on some or all of the claims that are not the subject of the election.

E. An effective election may be withdrawn only by consent of all parties to the claim to which the election relates.

Sec. 17. Section 12-2605, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

12-2605. Evidence of future damages

A. The calculation for all future economic damages shall reflect future changes in earning power or the purchasing power of the dollar. Future damages shall not be discounted to present value, except pursuant to section ~~12-589~~ 12-2609.

B. Unless the court otherwise directs or the parties otherwise agree, the annual amounts for future damages shall be prorated and paid at one month intervals during the year due. Each payment is payable on the first day of the month following its accrual.

Sec. 18. Section 12-2606, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

12-2606. Entering a judgement for future damages

A. If special findings for future damages are made, the court shall enter judgement pursuant to the following procedures:

1. The court shall apply to the findings of past and future damages any applicable rules of law in calculating the respective amounts of past and future damages each claimant is entitled to recover and each party is obligated to pay.

2. The court shall specify payment of attorney fees and litigation expenses separately from the periodic installments payable to the claimant pursuant to any agreement entered into between the claimant and his attorney. Under a percentage attorney fee contract, unless the contract specifies otherwise, the portion of the fee applicable to the recovery of the periodic installments of future damages is computed by multiplying the fee percentage times the cost of an annuity which would satisfy the funding requirements under sections ~~12-587~~ 12-2607 and ~~12-588~~ 12-2608.

B. A reduction in installments of future damages made pursuant to this section for payment of attorney's fees shall reduce proportionally all periodic installments for future damages.

C. The court shall enter judgment in lump sum for past damages and for any future damages payable in lump sum or otherwise under this section. The court shall also enter judgment for the payment in periodic installments of the remaining amounts of future damages, without reduction to present value. The periodic installments shall be set forth in the judgment in a schedule that shows the annual amount due in each year the trier of fact has found that losses will accrue. If a finding has been made that costs of health care will continue for the duration of the claimant's life, the judgment shall set forth the finding and the amount of those annual losses.

Sec. 19. Section 12-2607, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

12-2607. Funding judgments for periodic installments

A. Each party liable for all or a portion of a judgment containing periodic installments shall provide funding, separately or jointly, for the unpaid installments in a form prescribed in section ~~12-588~~ 12-2608. The funding shall be provided not later than the date the judgment is subject to execution or not later than thirty days after the judgment is entered, whichever is later, unless it is superseded or the power to execute on the judgment is otherwise suspended.

B. A liability insurer having a contractual obligation or a person adjudged to have an obligation to pay all or part of a judgment entered for periodic installments is obligated to provide funding to the extent of the contractual or adjudged obligation. In determining if a judgment containing periodic installments for future damages exceeds limits under a liability insurance policy, the installments for future damages in the judgment shall be discounted to present value under section ~~12-589~~ 12-2609 to compute the lump sum value. The lump sum value or the cost of an annuity which would satisfy the funding requirement for installments of future damages, whichever is less, must be added to the total of any lump sum damages contained in the judgment for each claimant. The amount so computed shall be compared to applicable limits under the policy.

C. A judgment creditor or successor in interest and any party having rights under subsection E of this section may at any time subsequent to the judgment request the court to find that funding was not provided or maintained with regard to a judgment obligation owing to the requesting party. If the court finds that such funding as required by the judgment was not provided, the court shall order that funding be provided within the time ordered by the court. If such funding as required by the judgment is not provided within the time specified by the court, the court shall compute the lump sum equivalent of the obligation under section ~~12-589~~ 12-2609 and enter a judgment for that amount in favor of the requesting party.

D. If a person who is the only person liable for a portion of a judgment for periodic installments fails to provide or maintain funding, the right to a lump sum judgment under subsection C of this section applies only against that person and the portion of the judgment owed.

E. If more than one person is liable for all or a portion of periodic installments ordered by the judgment, and the required funding is provided by one or more but fewer than all of the persons liable, those providing funding may bring an action to satisfy or protect rights of reimbursement from a person not providing funding. If a person who has provided funding seeks to enforce rights for funding against a nonfunding person, the court may order the nonfunding person to indemnify those providing funding for a proportionate share of the cost of the funding provided or of the cost of an annuity as provided in section ~~12-588~~ 12-2608 which would satisfy the funding requirement.

F. If funding approved by the court has been provided, the judgment debtor on whose behalf the funding is provided is discharged and any lien against the judgment debtor is released. A liability insurer providing funding that meets the

requirements of section ~~12-588~~ 12-2608 on behalf of a judgment debtor, to the extent it is obligated to do so under any applicable liability insurance contract, is deemed to have satisfied its duty to pay damages.

G. The court in which a trial is conducted under this article shall retain jurisdiction to enforce the provisions of this section if a judgment for periodic installments is entered.

Sec. 20. Section 12-2609, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

12-2609. Discounting future damages to present value

A. If future damages are ordered to be paid in advance of the period to which they apply, the court shall compute the present value of the future payments by discounting each remaining annual payment by a rate of interest equal to the interest rate of the most recent issue of fifty-two week United States treasury bills sold before the date damages are discounted.

B. To compute the present value of a lifetime award of future damages pursuant to section ~~12-584~~ 12-2604, subsection C, the duration of the term of payments shall be the life expectancy of the claimant at the time the computation is made prescribed by the race neutral life expectancy table for the appropriate sex in the current population survey collected by the bureau of the census for the bureau of labor statistics of the United States department of labor.

Sec. 21. Section 12-2610, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

12-2610. Effect of death on periodic installments

A. The liability for payment of periodic installments ~~for costs of health care~~ not yet due at the death of the person entitled to receive the benefits terminates on the death of the person. ~~Liability for payment of any other installments or portions of installments not yet due at the death of the person entitled to receive them terminates~~, except as provided in subsections B and C.

B. If, in an action for wrongful death, a judgment for periodic installments provides payments to more than one person and one or more but fewer than all of them die, the surviving beneficiaries are entitled to shares proportionate to their shares in the periodic installments not yet paid to the deceased beneficiary or beneficiaries. The surviving beneficiaries are not entitled to receive payments beyond the periods specified for such beneficiaries in the judgment.

C. If, in an action other than for wrongful death, a judgment for periodic installments is entered and a person entitled to receive benefits for economic losses other than for costs of health care under the judgement dies, any periodic installments not yet due at the person's death shall be paid to a beneficiary designated in writing by the deceased or, in the absence of such a designation, to the estate of the deceased.

Sec. 22. Section 12-2612, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

12-2612. Exemption of benefits

Periodic installments for future damages for loss of earnings or loss of support for beneficiaries of a judgment entered in a wrongful death action are exempt from garnishment, attachment, execution and any other process or claim to the extent wages or earnings are exempt under any applicable law. Periodic installments for all other future damages are exempt under garnishment, attachment, execution and any other process or claim except to the extent they may be assigned pursuant to section ~~12-591~~ 12-2611.

Sec. 23. Section 12-2613, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

12-2613. Duties of the director of the department of insurance and insurance companies

A. The director of the department of insurance shall adopt rules:

1. For determining which insurers and assignees are financially qualified to provide and maintain the funding required under this article and to be designated as qualified insurers.
2. To require insurers to provide and maintain funding under section ~~12-587~~ 12-2607 if required by court order.
3. For publishing and revising a list of persons who have been designated by the director as qualified insurers.

B. The director shall annually review and evaluate the effectiveness of the system of periodic payments. If, pursuant to such review and evaluation, the director determines that the system of periodic payments is effectively reducing the cost of medical malpractice tort claims for bodily injury, the director shall order appropriate actuarially justified rate adjustments based on such findings.

C. In order to qualify under this section, an insurance company shall:

1. Have at least an "A+" (superior) rating and a financial size category of VIII in the current edition of best insurance reports as published by A.M. Best company.
2. Have no more than one ratio falling outside the usual range according to the current ratio published by the national association of insurance commissioners insurance regulatory information system.
3. Be licensed to do business in a state that has an applicable insurance guaranty fund of at least one hundred thousand dollars.
4. Meet any other standards that the director deems necessary to assure that funding will be provided and maintained. A qualified insurer may be a subsidiary of a parent insurance company if the parent insurance company qualifies as a qualified insurer and guarantees the obligation of the subsidiary.

Sec. 24. Heading change

The chapter heading of title 33, chapter 12, Arizona Revised Statutes, is changed from "LIABILITIES AND DUTIES ON PROPERTY USED FOR RECREATION" to "LIABILITIES AND DUTIES ON PROPERTY USED FOR EDUCATION AND RECREATION".

Sec. 25. Section 33-1551, Arizona Revised Statutes, is amended to read:

33-1551. Duty of owner, lessee or occupant of premises to recreational users; liability; definitions

A. ~~A~~ A PUBLIC OR PRIVATE owner, EASEMENT HOLDER, lessee or occupant of A premises ~~does~~ IS not:

~~1. Owe any duty to a recreational user to keep the premises safe for such use.~~

~~2. Extend any assurance to a recreational user through the act of giving permission to enter the premises that the premises are safe for such entry or use.~~

~~3. Incur liability for any injury to persons or property caused by any act of a recreational user.~~ LIABLE TO A RECREATIONAL OR EDUCATIONAL USER EXCEPT UPON A SHOWING THAT THE OWNER, EASEMENT HOLDER, LESSEE OR OCCUPANT WAS GUILTY OF WILLFUL, MALICIOUS OR GROSSLY NEGLIGENT CONDUCT WHICH WAS A DIRECT CAUSE OF THE INJURY TO THE RECREATIONAL OR EDUCATIONAL USER.

B. As used in this section:

1. "EDUCATIONAL USER" MEANS A PERSON TO WHOM PERMISSION HAS BEEN GRANTED OR IMPLIED WITHOUT THE PAYMENT OF AN ADMISSION FEE OR OTHER CONSIDERATION TO ENTER UPON PREMISES TO PARTICIPATE IN AN EDUCATIONAL PROGRAM, INCLUDING BUT NOT LIMITED TO, THE VIEWING OF HISTORICAL, NATURAL, ARCHAEOLOGICAL OR SCIENTIFIC SIGHTS.

~~2.~~ 2. "Premises" means agricultural, range, OPEN SPACE, PARK, FLOOD CONTROL, mining, ~~or~~ forest OR RAILROAD lands, and any other similar lands, WHEREVER LOCATED, which ~~by agreement~~ are ~~made~~ available to a recreational OR EDUCATIONAL user, INCLUDING, BUT NOT LIMITED TO, PAVED OR UNPAVED MULTI-USE TRAILS AND SPECIAL PURPOSE ROADS OR TRAILS NOT OPEN TO AUTOMOTIVE USE BY THE PUBLIC and any building IMPROVEMENT, FIXTURE, WATER CONVEYANCE SYSTEM, BODY OF WATER, CHANNEL, CANAL OR LATERAL, ROAD, TRAIL or structure on such lands.

~~2-3.~~ 3. "Recreational user" means a person to whom permission has been granted or implied without the payment of an admission fee or other consideration to TRAVEL ACROSS OR TO enter upon premises to hunt, fish, trap, camp, hike, ride, EXERCISE, swim or engage in similar ~~recreational~~ pursuits. The purchase of a state hunting, trapping or fishing license is not the payment of an admission fee or other consideration as provided in this section.

C. This section does not limit the liability which otherwise exists for maintaining an attractive nuisance, EXCEPT WITH RESPECT TO DAMS, CHANNELS, CANALS AND LATERAL DITCHES USED FOR FLOOD CONTROL, AGRICULTURAL, INDUSTRIAL, METALLURGICAL OR MUNICIPAL PURPOSES. ~~or for wilful or malicious failure to guard or warn against a dangerous condition, use or activity.~~

Sec. 26. Section 48-818, Arizona Revised Statutes, is amended to read:

48-818. Emergency medical aid or assistance to other public bodies; limitation on liability

A. A district, or an employee of a district, organized pursuant to this chapter, or a private fire or ambulance company whose services are procured by a fire district or its officers and employees OR A PROPERTY OWNER, ITS OFFICERS OR EMPLOYEES OR A TENANT, when rendering emergency medical aid provided by an emergency medical technician, an intermediate emergency medical technician or a paramedic who is certified by the director of the department of health services pursuant to section 36-2205, is not liable for civil or other damages to the recipient of the emergency medical aid as the result of any act or omission in rendering such aid or as the result of any act or failure to act to provide or arrange for further medical treatment or care for the sick or injured person. This subsection does not apply if the person providing emergency medical aid is guilty of gross negligence or intentional misconduct. The immunity provided for in this subsection does not extend to an emergency medical technician, an intermediate emergency medical technician or a paramedic while operating a motor vehicle.

B. A district, or an employee of a district, organized pursuant to this chapter, if requested by a public body to assist at a traffic accident on a public right-of-way or to render emergency aid at an emergency occurrence outside the boundaries of such district is not liable for any civil or other damages as a result of any act or omission by the district or an employee of the district at the traffic accident, while rendering emergency care or as the result of any act or a failure to act to provide or arrange for further medical treatment or care for an injured person. This subsection does not apply if the district or an employee of the district, while providing assistance or rendering such emergency care or acting or failing to act to provide such further medical treatment or care, is guilty of gross negligence.

- C. The provisions of this section shall not abrogate the right of an employee who is injured while performing services as provided in subsection A OF THIS SECTION to recover benefits to which he may be eligible under title 23, chapter 6 from the district.
- D. Nothing in this section limits a plaintiff's right to recover civil damages from any applicable uninsured motorist coverage or underinsured motorist coverage.

Sec. 27. Insurer rate savings; filing

- A. Each insurer authorized to transact insurance business in this state shall file with the department of insurance in a form prescribed by the director of the department the following information:
 - 1. On or before March 31, 1994, each rate filing in effect during the three calendar years immediately preceding the effective date of the section the amount, stated both as a per cent of premiums and as a total dollar amount, of litigation and litigation related expenses and the amount of ultimate loss payments that are forecast in the rate filing for the period for which rates were calculated.
 - 2. On or before March 31, 1994, 1995 and 1996, the amount, stated both as per cent of premiums and as a total dollar amount, of litigation and litigation related expenses and the amount of ultimate loss payments that are forecast in each rate filing in effect during the three calendar years immediately following the effective date of this section, beginning with calendar year 1993.
 - 3. On or before March 31, 1994, 1995 and 1996, the amount of savings, stated both as a per cent of premiums and as a dollar amount, that is attributable to the provisions of this act and that the insurer has incorporated into each rate in effect after the effective date of this section during the period for which the rates were calculated.
- B. On or before December 31, 1996, the department of insurance shall submit a summary analysis of the data received by the department pursuant to this section to the governor, the president of the senate and the speaker of the house of representatives.

Sec. 28. Applicability

- A. The provisions of sections 1, 3, 6, 10, 25 and 26 of this act apply to all actions filed on or after the effective date of this act.
- B. Subject to section 12-505, Arizona Revised Statutes, sections 2 and 8 of this act apply to all causes of action which were preexisting on the effective date of this act and to all causes of action which accrue after the effective date of this act.
- C. The legislature intends that sections 4, 5, 9, 11, 12, 16, 17, 18, 19, 20, 21, 22 and 23 of this act to be procedural and these sections shall apply retroactively to all actions pending on the effective date of this act. To the extent a court may determine that any provision in these sections affects a substantive right of one of the parties, that section shall apply retroactively to an action existing on the effective date of this act only to the extent that the provisions are determined by the court to be procedural.

Sec. 29. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Shaded sections (RED) of Senate Bill 1055 were not referred to the ballot.

ANALYSIS BY LEGISLATIVE COUNCIL

(In compliance with A.R.S. section 19-124)

Proposition 301 allows the voters to approve or disapprove sections 2, 4, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 28 and parts of section 5 and 6 of Senate Bill 1055 that was passed by the Legislature in 1993. If Propositions 301 passes, these sections will become law.

Proposition 301 would amend laws regulating lawsuits as follows:

- 1. Proposition 301 requires that a person begin a lawsuit within 12 years after the claim comes into existence unless another person fraudulently prevented the discovery of the claim during the 12 year period, unless otherwise provided by law.
- 2. Proposition 301 allows a person who is sued to show that the person bringing the suit has already received or may receive money for the damages claimed at trial. This evidence can be considered in determining the amount that can be recovered in the trial.
- 3. Proposition 301 allows insurance companies and other entities providing health care coverage to agree with the policyholders that medical expenses arising out of accidents shall only be paid once.
- 4. Proposition 301 defines the standard for finding public entities liable for maintenance or operation of highways, roads, streets, bridges or rights-of-way.
- 5. Proposition 301 permits a jury to deny a claim by a person who is 50% or more at fault for the injury.
- 6. Proposition 301 provides that, on request by either party, the judge may allow installment payments for future health care costs and lost earnings.

ARGUMENT "FOR" PROPOSITION 301

Proposition 301 contains vital reforms to Arizona's legal system. A YES vote on Proposition 301 would reaffirm Arizona's commitment to tort reform. Under the current system, the outrageous costs of unpredictable lawsuits are forcing Arizonans to drastically alter their lifestyles and the way they do business.

It is time to take back our legal system. We need a system that is fair, responsive, and designed for the needs of our citizens. We have all heard of the years it takes to get a case resolved in court. Much of the delay is caused by the countless frivolous lawsuits that occur because of an outdated tort system. Proposition 301 will enable people with legitimate claims to get their issues addressed in a timely manner and unclog the court system of the frivolous lawsuits.

Currently, volunteers run the risk of being named in ridiculous lawsuits when they are attempting to serve the needs of our community. A YES vote on Proposition 301 would provide immunity to volunteers who help provide critical services to our community. Shouldn't individuals willing to sacrifice their time for the good of the community be given the benefit of the doubt? Proposition 301 provides this.

Proposition 301 is a good bill for the taxpayers. Many of our hard-earned tax dollars go to pay the legal costs of cities and counties across the state. Our local governments are constantly spending millions of dollars to defend themselves against frivolous lawsuits. This money could be saved or better spent on the true needs of our citizens, and Proposition 301 will help make this a reality.

These are just a few of the important reforms a Yes vote will provide the people of Arizona. Vote Yes on 301.

Clint Magnussen, Chairman of the Board Wayne C. Anderson, President and CEO

AZ Chamber of Commerce

AZ Chamber of Commerce

Phoenix

Phoenix

ARGUMENT "AGAINST" PROPOSITION 301

Proposition 301 is not a popularity contest about who you like better, one side or the other. It is, by our experience, a practical matter of deciding what's best for you.

The insurance companies supporting this proposition are interested in one thing - money, and the more the better, especially at our expense.

Giving up invaluable and fundamental protections to allow wrongdoers to escape responsibility and big insurance companies to profit is not in our best interest.

As Senior Citizens, we live and lead by example. Our experiences are practical lessons of history. These include survival through the most harsh of economic times; sacrifice through world conflict for the sake of peace; and "good old-fashion horse sense" to deal with shams.

We have the opportunity to teach a basic lesson about right and wrong by saying NO to Proposition 301. Individual responsibility and accountability are principles many have lived by and died for. These principles have always been in our best interest.

Harry C. Cooke Louise Dickson

Tempe Phoenix

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

ARGUMENT "AGAINST" PROPOSITION 301

Our families living within Tucson's federal Superfund site are raised with a sense of right and wrong, fairness and self-responsibility. We know this is not uncommon in other communities throughout Arizona.

However, our experience over the past 54 years has been a case of bizarre injustice. Our families had been suffering from unknown poisons until we learned that government and big business was dumping toxic TCE chemicals for many years in our backyard. The toxic pollution remains a problem, but, at least we could rely on the courts, our last resort, to hold the responsible people accountable.

Unfortunately, our state lawmakers want to put the insurance industry's special interests ahead of the health and safety of taxpayers and our families. Big insurance companies are using their influence in the form of our premiums to control our legislators.

The insurance industry gave the Legislature its wish list for bigger profits in the form of Senate Bill 1055. However, we have the last word. The word is "NO" to reducing our rights and allowing toxic polluters to get away with poisoning our homes and properties. Proposition 301 limits the time to bring a lawsuit to 12 years, even though all the scientific evidence shows that it takes that long, usually longer, to discover who's at fault.

Many of our families have grown with the community for more than four generations. But, it doesn't matter whether your home is Tucson's Southside, Phoenix, Yuma, Bisbee, Globe, Kingman, Flagstaff, or any other town throughout our state. We

have an obligation to our families and future generations to say NO to Proposition 301 and the attempts by government and big business to get away with a double standard to excuse themselves from accountability while the rest of us live up to our responsibilities.

Cecilia M. Campillo Rose Marie Augustine Abe Campillo
Tucson Tucson Tucson

Henry M. Vega, Sr. Phillip Hubbard
Tucson State Representative
 Tucson

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

ARGUMENT "AGAINST" PROPOSITION 301

Who determines what is a "frivolous" lawsuit? Women complaining of symptomology associated with silicone breast implants were considered "crackpot hypochondriacs" by the manufacturers and plastic surgeons making billions from the industry. Yet in 1994, one of the largest product liability class-action lawsuits in the history of this country was the result of an unveiled pattern of knowledge of the debilitating side-effects of implants covering more than twenty years.

Only a decade ago, sexual harassment was considered a "frivolous" claim. No more. Within this year, the issue of domestic violence against women has claimed headlines and dominated TV screens. Not long ago, it was simply dismissed.

"Frivolous?" No more.

Frivolous: impractical, insignificant, minor, petty, trivial, flighty, flippant, silly, irrational, shallow, groundless, inane -- all synonyms for the "frivolous" and all too familiar to women fighting for justice and equal treatment in male-dominated arenas. In the spring of 1993, the tobacco industry lost its first damage suit, when court finally recognized the role of scurrilous, deceptive advertising claims that continue to present smoking as desirable and sophisticated. Ask any child about "Joe Camel." Yet these cases were all considered "frivolous, groundless, unsound, untenable" at one point. Now the public outcry has grown to such a significant roar that legislation curtailing the use of advertisements and sale of tobacco products is being considered in dozens of states and at the national level as well.

If Arizonans decide to leave it up to big business to disclose harmful, debilitating, unequal or unfair products or standards, the truth will be buried forever. Without these so-called "frivolous" actions, YOU and the public might never have known about the Ford Pinto, the Dalkon Shield, asbestos and dozens of others. Protect your right to know. Vote "NO" on Proposition 301.

Paula Kaye
Women Empowered, Inc.
Tucson

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

ARGUMENT "AGAINST" PROPOSITION 301

Year after year, in the Arizona Legislature, bills designed to increase the protection for victims of domestic violence are ignored, stalled, and "beaten to death," like the victims of these horrendous crimes, before they ever reach the floor for a vote. Increasingly, the only recourse for victims of domestic violence is a court of law, where complaints can be fairly and impartially decided.

But now, in the states of Pennsylvania, Michigan, and Texas, State Farm Insurance is being investigated or sued for refusing to pay claims submitted by victims -- women -- of domestic violence. The result of this socially irresponsible policy? Women are being advised not to file for Orders of Protection and not report physical injuries that result from domestic violence against them. To do so would jeopardize both their existing policies and their future eligibility (as a "preexisting condition") for obtaining insurance coverage.

If the insurance companies that have bankrolled the so-called "citizens effort" behind Proposition 301 -- State Farm among them -- are allowed to succeed, what recourse will the victims of these crimes have? Clearly, the Arizona Legislature is unresponsive, and the non-profit agencies that protect and defend these women cannot match the campaign contributions proffered by the insurance companies.

The "privileged communications" section of Proposition 301, allowing access to confidential medical records, will give the insurance companies freedom to further victimize women, as they have already done in other states. Proposition 301 limits your rights and allows the State Legislature to determine what your injuries are. Their record speaks for itself.

Vote "NO" on Proposition 301.

Catherine R. Eden
State Representative

Phoenix

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

ARGUMENT "AGAINST" PROPOSITION 301

Here they go again!

The parallels are significant: big insurance companies have been pouring millions of hidden dollars into the campaign to pass Proposition 301 just as corporations have carelessly dumped tons of toxins into our municipal groundwater. And just as that toxic pollution is poisoning our families, the insurance campaign will poison our ability to expose corporate wrongdoers and make them responsible.

Unfortunately, the Legislature has been a willing partner, responding swiftly to the massive and well-financed insurance lobby by passing S.B. 1055 in the wee morning hours of the waning 1993 session. Fortunately, we have the opportunity to overturn that legislative action by voting "NO" on Proposition 301.

It's ironic that insurance companies who force policyholders to live by the letter of the law are so able to manipulate laws which inconvenience them. A clear double standard exists when it comes to insurance companies and other big businesses with influence at the Legislature. Proposition 301 is their insurance policy, full of exclusions and exemptions for the people who would do us harm, like the executives and managers who would order the dumping of known toxic chemicals and cigarette company executives who withhold the deadly conclusions of their own testing. Proposition 301 says that if they can get away with it for 12 years, they can get away with it forever.

Clearly, big business' interests are a higher priority to lawmakers than the health and safety of the taxpayers who elected them.

Vote "NO" on Proposition 301 to protect yourself and your family.

Velma Dunn Billie Brown

Phoenix Phoenix

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

ARGUMENT "AGAINST" PROPOSITION 301

Proposition 301 adds insult to injury. Arizona legislators and a group of national insurance companies want to create another obstacle for victims, by blocking access to the courts. The negligent and their insurance companies would walk away from their responsibilities. Some of their victims aren't walking anywhere, period. Whose side are these legislators on?

Proposition 301 overturns the protection of privileged communications between doctor and patient . . . allowing the insurance companies to dig through your medical records unsupervised. As recently as 1993, the Supreme Court of Arizona upheld this protection of privacy, but the legislators you elected have chosen to ignore the Court.

Insurance companies want to write the rules a jury must use to decide fault and compensation owed to the victim. Monetary awards send a clear message of accountability to the responsible parties and can make the traumatic, personal changes that occur to permanently disabled Arizonans and their families more manageable.

The Legislature and the insurance companies have demonstrated over the years far more sympathy for their friends in big business than for disabled Arizonans and the victims of negligence.

I urge you to vote "No" on Proposition 301 to protect the rights of all Arizonans.

Tom Uithoven

Phoenix

Fairness and Accountability in Insurance Reform, (FAIR): Randy Gray, Chairman

BALLOT FORMAT

PROPOSITION 301

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

OFFICIAL TITLE

ORDERING THE SUBMISSION TO THE PEOPLE OF AN ACT AMENDING SECTIONS 9-500.02 AND 12-550, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 12; TRANSFERRING AND RENUMBERING SECTION 12-565, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, AS SECTION 12-713; AMENDING SECTION 12-713, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, AS ADDED BY SECTION 3 OF THIS ACT, BY ADDING SECTIONS 12-714 AND 12-715; AMENDING SECTION 12-820.02, ARIZONA REVISED STATUTES; REPEALING SECTIONS 12-820.03 AND 12-821, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 7, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 12-821; AMENDING SECTION 12-822, ARIZONA REVISED STATUTES; AMENDING TITLE 12, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11; AMENDING SECTIONS 12-2505 AND 12-2506, ARIZONA REVISED STATUTES; AMENDING TITLE 12, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 17; TRANSFERRING AND RENUMBERING TITLE 12, CHAPTER 5.1, ARTICLE 2, ARIZONA REVISED STATUTES, AS TITLE 12, CHAPTER 17, ARTICLE 1, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING EXISTING SECTIONS 12-581 THROUGH 12-594, RESPECTIVELY, AS SECTIONS 12-2601 THROUGH 12-2614; REPEALING THE ARTICLE HEADING OF FORMER TITLE 12, CHAPTER 5.1, ARTICLE 2, ARIZONA REVISED STATUTES; AMENDING SECTIONS 12-2602, 12-2605, 12-2606, 12-2607, 12-2609, 12-2610, 12-2612 AND 12-2613, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTION 33-1551, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 33, CHAPTER 12, ARIZONA REVISED STATUTES, TO "LIABILITIES AND DUTIES ON PROPERTY USED FOR EDUCATION AND RECREATION"; AMENDING SECTION 48-818, ARIZONA REVISED STATUTES; RELATING TO TORT REFORM.

DESCRIPTIVE TITLE

AN ACT IMPOSING A TIME LIMIT FOR FILING CERTAIN LAWSUITS; CHANGING THE COLLATERAL SOURCE RULE; CREATING INSURER RIGHTS OF RECOVERY; CREATING GOVERNMENTAL AND OTHER IMMUNITIES; PERMITTING CERTAIN DEFENSES THAT BAR RECOVERY; PROVIDING PERIODIC PAYMENT OF DAMAGES FOR FUTURE LOSSES.

PROPOSITION 301

A "yes" vote shall have the effect of approving the Legislature's changes to Arizona's civil justice system.

YES



A "no" vote shall have the effect of not approving the Legislature's changes to Arizona's civil justice system.

NO



PROPOSITION 302

RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS AS TO LEGISLATIVE SALARIES HAVE BEEN CERTIFIED TO THE SECRETARY OF STATE AND ARE HEREBY SUBMITTED TO THE QUALIFIED ELECTORS FOR THEIR APPROVAL OR REJECTION.

(In compliance with Ariz. Const. art. 5 § 13)

"SHALL THE RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS CONCERNING LEGISLATIVE SALARIES BE ACCEPTED? _ YES _ NO."

SUCH RECOMMENDATIONS IF APPROVED BY THE ELECTORS SHALL BECOME EFFECTIVE AT THE BEGINNING OF THE NEXT REGULAR LEGISLATIVE SESSION WITHOUT ANY OTHER AUTHORIZING LEGISLATION.

STATEMENT FROM THE COMMISSION ON SALARIES FOR ELECTIVE STATE OFFICERS

Recommended Legislative Salary - \$19,750

The Commission believes the current method of establishing legislative salaries is not working. Thus, we recommend a constitutional amendment changing the present system. We suggest that the language of the amendment be determined by the Legislature, after adequate public hearings, and be submitted to the voters in 1994.

In addition, each legislator should receive a minimum of \$1,000 for communication with constituents.

The Commission also recommends that the Legislature consider the advisability of establishing the principle that state-wide elected officers who earn substantial salaries be prohibited from taking additional paid employment.

We have included a spread sheet which shows the recommendations of the Commission since 1971. This shows the amounts recommended by the Commission and the amounts actually implemented by the Legislature from 1971 through 1993.

We have appreciated our appointments and enjoyed serving this great state. Thank you very much.

David K. Udall, Chairman

Shoshana B. Tancer, Member P. Robert Fannin, Member

Wayne Anderson, Member Jim Klinker, Member

BALLOT FORMAT

PROPOSITION 302	
RECOMMENDATION OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS AS TO LEGISLATIVE SALARIES HAVE BEEN CERTIFIED TO THE SECRETARY OF STATE AND ARE HEREBY SUBMITTED TO THE QUALIFIED ELECTORS FOR THEIR APPROVAL OR REJECTION.	
DESCRIPTIVE TITLE PROVIDING FOR AN INCREASE IN THE PRESENT SALARY OF STATE LEGISLATORS FROM \$15,000 PER ANNUM TO \$19,750 PER ANNUM AS RECOMMENDED BY THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS.	
"SHALL THE RECOMMENDATIONS OF THE COMMISSION ON SALARIES FOR ELECTED STATE OFFICERS CONCERNING LEGISLATIVE SALARIES BE ACCEPTED? <input type="checkbox"/> YES <input type="checkbox"/> NO"	
SUCH RECOMMENDATIONS IF APPROVED BY THE ELECTORS SHALL BECOME EFFECTIVE AT THE BEGINNING OF THE NEXT REGULAR LEGISLATIVE SESSION WITHOUT ANY OTHER AUTHORIZING LEGISLATION.	
Current Legislative Salary \$15,000 Salary Proposed by Salary Commission \$19,750	
PROPOSITION 302	
A "yes" vote shall have the effect of raising state legislator's annual salaries to \$19,750.	YES ➡
A "no" vote shall have the effect of maintaining state legislator's annual salaries at \$15,000.	NO ➡

Voter's Guide

This form is for your convenience to mark your choices after studying the Propositions. This page may be detached from the pamphlet and taken to the polling place on General Election Day, November 8, 1994, to assist you in voting your ballot.

- Proposition 100** ☐ Yes ☐ No
Creating the office of Lieutenant Governor.
- Proposition 101** ☐ Yes ☐ No
Relating to the exchange of state trust land.
- Proposition 102** ☐ Yes ☐ No
Relating to a personal property tax exemption for agricultural producers.
- Proposition 103** ☐ Yes ☐ No
Relating to the right to recover damages.
- Proposition 200** ☐ Yes ☐ No
Increasing state taxes on tobacco products.
- Proposition 201** ☐ Yes ☐ No
Relating to leghold traps, poison, or snares on public land.
- Proposition 300** ☐ Yes ☐ No
Establishing state criteria for takings.
- Proposition 301** ☐ Yes ☐ No
Relating to the civil justice system.
- Proposition 302** ☐ Yes ☐ No
Recommendation to increase the salaries of Legislators.

VOTER REGISTRATION

October 10, 1994 is the registration deadline for the 1994 General Election.

Arizona residents may register to vote by mail. Forms are available at government offices and public locations throughout the state. Forms may also be requested from the county recorder's office in each county. Voters who move, change their name, or political party must reregister.

Any qualified person temporarily absent from the state may register by filling out a mail registration and sending it to the county recorder of the county of his/her residence.

ABSENTEE (EARLY) VOTING

Any registered voter may vote early in the Arizona 1994 General Election in the county recorder's office or in designated satellite offices beginning October 6, 1994 and up until 5 p.m. on the Friday before the election.

A signed request for a mail absentee ballot must be made in writing to the county recorder and include:

- 1) Name and address as registered
- 2) Birthdate
- 3) Election for which ballot is requested
- 4) Address where voter is temporarily residing
- 5) Signature of the requestor

Requests for mail absentee ballots may be made up until 5 p.m. on the Friday prior to the election. Absentee ballots returned by 7 p.m. on election day will be counted.

VOTER INFORMATION

1. Any voter may be accompanied into the voting booth by a person of his choice or a representative of each major political party for the purpose of assisting him in casting his ballot.
2. Sample ballots may be brought to the voting place and may be taken into the voting booth on the day of the election.
3. Any qualified voter who at 7 p.m. is in the line of waiting voters shall be allowed to prepare and cast his ballot.